

November 7th 2002

From: Greg Minks, Mix-Rite Feed Mill Inc.

To: Members of the Legislative Joint Committee on Review of Administrative Rules.

Re: CWD ruling, Ban on Baiting & Feeding.

Members of the Legislative Committee, the DNR Emergency CWD ruling that went into affect on July 3rd of 2002 has had major affect on our business. We are a retail feed mill operation in Price County in Northern Wisconsin. Approximately 30% of our business is wildlife feeding, the major part being Deer Feed Products. In comparing our sales for Deer Feed Products of October of 2001 to October of 2002 sales, we have had a loss of over 80% in sales of these products. We are expecting greater loss of sales for the month of November, as this month is the busiest in sales for Deer Feed as hunters prepare for the 9-day gun deer season. The loss in business has forced us to lay off employees and if business continues on a down hill slide, we will make further cuts in our work force.

Not only has the CWD ruling, the ban on baiting and feeding, had an affect on our type of business, but also other businesses that provide goods & services for hunters. A local restaurant and bar owner commented to me about the Zone T hunt that was held in October. In 2001 his sales for the 4 days was approximately \$5000.00 while compared to only \$2500.00 for 2002 Zone T hunt. He said "there are no hunters up here, the only people we had were the locals, it has been that way since the start of the bow season." His concern is the numbers in lost sales could be greater for the up coming gun deer season and if we have a mild winter for the snowmobile season, it could be a disaster for his business. Amoco station in Phillips, WI, which is one of the larger big game registration stations in Price Co., reported significant lower registration numbers for the Zone T hunt in October. In 2001, 732 antler less deer were registered, in 2002, 316 antlerless deer, 57% decline. Bow registration numbers for 2001 were 339 bucks and 295 does for total harvest of 634 deer. As of October 31st 2002 63 bucks and 80 antlerless deer for a total harvest of 143 deer. Majority of the bow hunting in Wisconsin takes place in the months of September, October and November. The Amoco station also reported sales of deer feed related products for the months of September and October 2002 down 85% from the previous year. The owners, Harland and Bonnie Ball commented when hunters are not stopping into by deer feed, they're not buying other merchandise available in their store. A Lumbervyard and Hardware store in Glidden, Wis reported sales of deer feed for the months of September and October 2002 down 89%. from the previous year and others sales of merchandise down approximately 35%. Other communities in Northern WI. are feeling the same affects from the lack of hunters and it will continue to do so into November unless there is a change in the Emergency ruling. Approximately 700,000 hunters have taken to the woods for the 9-day gun deer season in prior years. What type of impact will this years hunt, with the declining number of hunters have on our economy in Wisconsin. In 1996, hunters spent \$897 million dollars on supplies, lodging and other associated costs. Can Wisconsin afford to loose that type of revenue this year, based on the hunter numbers that I stated above, I don't think so.

The deer herd in Wisconsin is estimated to be at 1.6 million. Hunters harvests help maintain the balance of land carrying capacities and other social tolerances. Approximately 90% of wildlife crop damage in the state is the result of deer overpopulation. In 2001, claimed crop damage caused by wildlife cost about \$1.8 million. Increases in deer-vehicle collisions occurred in 2001, over 45,000 deer were killed state wide in collisions. There are concerns if the trend continues this fall with the decrease in hunters participating in the bow and gun deer season, due to CWD and the ban on baiting and feeding, experts warn that such an increase in the already over population of the deer herd that exists, could lead to further spread in CWD and also increases to the amount of crop damage and vehicle collisions that occur.

Now more than ever, baiting and feeding can be a useful tool in helping hunters increase their success rate in harvesting deer. I know there are individuals that are against baiting and feeding practices stating that it is not the so called "traditional way of hunting". That decision should be left up to the personal preference of the hunter whether he or she decides to use baiting as a useful means of attracting deer into his or her hunting area or not. Unfortunately that choice by hunters, who wish to use baiting for their hunting practices, had that taken away from them by the DNR ruling that went into affect in July of 2002.

The main reason the Dept of Natural Resources had for imposing the ban on baiting and feeding was the concern about the possible spread of CWD when deer congregate over bait piles. Baiting and feeding of deer has become more popular over the years as an aid in helping hunters increase their success rate in harvesting deer, especially in areas of Northern Wisconsin where the greatest percentage of land cover is from forest and wetlands. Price, Vilas, Forest, Iron and Ashland counties comprise of a total average of only 6% total farmland. Farmland consists of row crops, forages and grassland, compared to a total average of 93% of forest and wetlands in the same counties mentioned above. Deer are going to congregate where there are food sources available for them namely Alfalfa, Clover, Corn and Soybeans and other farmland crops. Hunters in past years have been able to draw deer from the over populated privately held farmlands, which are owned by farmers or private lands, which in most cases is land that is not available for the public to hunt, onto the public forest and wetlands of the county by methods of baiting and feeding.

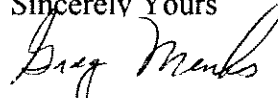
Unfortunately that's not the case this year. With the ban on baiting and feeding rule that is in place at the present time farmers are complaining of the over concentration of deer on their cropland and the extensive amount of damage that is being done. When deer are over congregating on cropland the chances for diseases to spread increases.

In closing, I am making a reference to material that was published by the Wi. Dept. of Natural Resources in conjunction with the Rocky Mountain Elk Foundation and White-tails Unlimited. This informative brochure is called "Understanding Chronic Wasting Disease in Wisconsin, the first step to disease control. In this publication, a group of

veterinarians from the University of Wyoming, the Colorado Division of Wildlife, and the Wyoming Fish and Game Dept. are currently studying the issue of CWD and livestock. In three separate experiments, the researchers placed cattle in pens with CWD-infected deer. In the five years this experiment has been underway, no cattle have contracted the disease. The cattle were even fed diseased brain tissue from infected deer and no cattle contracted the disease. The only way researchers were able to infect cattle with CWD was to take the infected CWD brain tissue from deer and directly inject this tissue into the brains of the livestock. In doing so the 13 head of livestock that were injected, only 3 head came down with the disease. The results suggest that CWD is not naturally transmitted to livestock. CWD also has not been linked to Creutzfeldt-Jakob disease in humans in the way that cattle BSE also called "mad cow disease" has been in Europe.

I am asking the Legislative Joint Committee on Administrated Rules to remove the ban on baiting and feeding from the DNR emergency ruling that went into affect in July of 2002. The impact that this ban has had on businesses in Wisconsin that rely on hunter revenues has been devastating and if the ban continues, will force many of these operations to close their doors. Lets not let this happen, we are point in Wisconsin where we need economic growth not decline.

Sincerely Yours

A handwritten signature in cursive script that reads "Greg Minks". The signature is written in dark ink and is positioned between the words "Sincerely Yours" and the typed name "Greg Minks, Mix-Rite Feeds.".

Greg Minks, Mix-Rite Feeds.

CORRESPONDENCE/MEMORANDUM

State of Wisconsin

DATE: January 5, 2003

TO: Senator Joseph Leibham, co-chair, Joint Committee for Review of Administrative Rules
Representative Glenn Grothman, co-chair, Joint Committee for Review of Administrative Rules

FROM: Tom Hauge, director, Department of Natural Resources, Bureau of Wildlife Management

SUBJECT: Request for the extension of WM-37-03(E), an emergency rule that prohibits deer baiting and feeding in counties determined to be at the highest risk for CWD, TB and infectious disease transmittance and establishment.

On September 4, 2003 the Natural Resources Board adopted emergency rule order WM-37-03(E) which prohibits deer baiting and feeding practices in any county where the entire county or any portion of the county is included in a CWD Management Zone (CWD eradication zone, CWD intensive harvest zone or herd reduction zone) or any county within a 10-mile radius of a captive or free-roaming, domestic or wild animal that has been confirmed to have CWD or TB since January 1, 1998. The rule was implemented on September 11, 2003 and will lapse on February 7, 2004, unless an extension is granted by your committee. Since legislation has not passed and permanent rules are not yet in place, an extension of this emergency rule is important to protect those areas of the state at highest risk for CWD.

The department realizes the risk with allowing these practices to continue, especially in those areas where CWD and TB have been identified. The current emergency rule serves as a stop-gap measure to protect the wild deer herd and domestic livestock from additional exposure to infected animals, and to assist the department with their disease control efforts. Therefore, the department requests the Joint Committee for the Review of Administrative Rules (JCRAR) grant an extension of emergency rule (WM-37-03(E)) to continue prohibiting the practices of deer baiting and feeding in those areas of the state that the department has identified as being at the greatest risk for CWD or TB.

Additionally, in light of the delay in proceeding with follow-up permanent rules (currently on hold pending the outcome of proposed legislation, AB-519) we request that both 60-day emergency rule extensions be granted at this time rather than delay the second 60-day extension request. This will help to make the transition from emergency rule to permanent rule less complicated for citizens of the state. Also, since the legislation will take precedence over the emergency rule at anytime. There is no risk in extending the emergency rule for 120 days. Regardless of the length of time that the emergency rule shall remain effect, statutorily, the department's legislative authority to regulate feeding of wildlife lapses after June 30, 2004. It is the department's intent to seek the maximum length of extensions (120 days) that would allow the ban to remain in effect until mid-June, or until legislation and rules are passed that would replace this emergency rule.

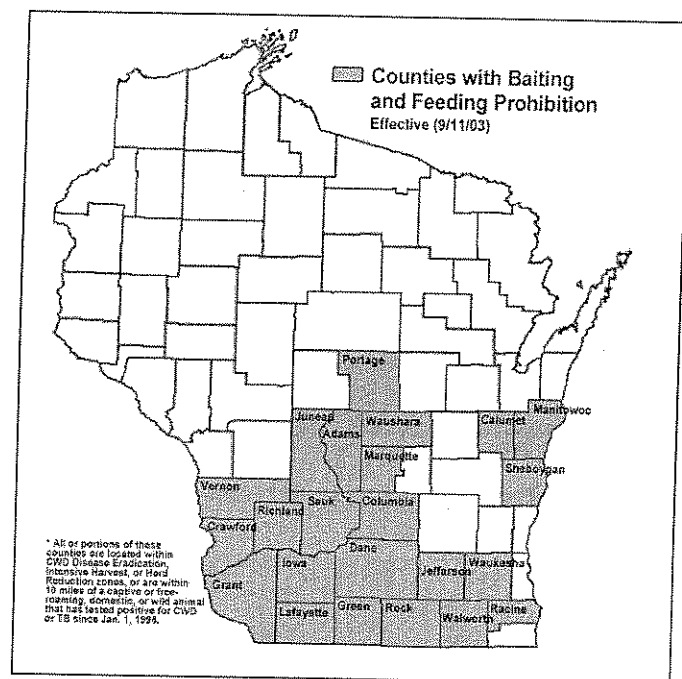


Figure 1. Counties included in a baiting and feeding ban.

Although we realize that the risk of disease transmission and establishment exists statewide, we feel the extension of this emergency rule will protect those areas of the state where we know that disease exists and the surrounding areas.

Current Emergency Rule:

Under the current emergency rule, the department imposes the same baiting and feeding regulations adopted by the NRB in April 2003 on a smaller geographic area (Attachment 1). The ban is in effect in any county where the entire county or any portion of the county is included in a CWD Management Zone (CWD eradication zone, CWD intensive harvest zone or herd reduction zone) or any county within a 10-mile radius of a captive or free-roaming, domestic or wild animal that has been confirmed to have CWD or TB since January 1, 1998 (Figure 1).

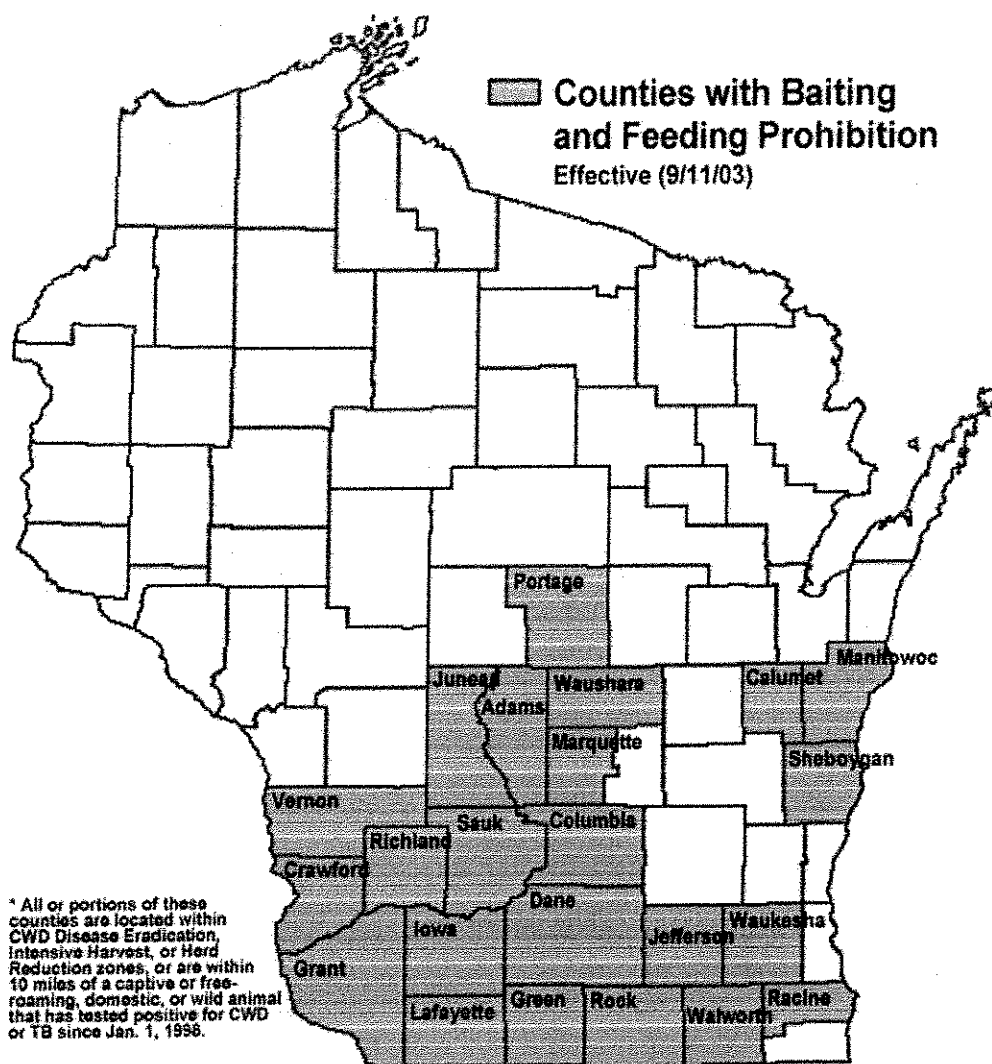
This description identifies the current known areas of highest risk in Wisconsin. In addition to CWD, Bovine TB has been added to the potential diseases of risk, since current research would suggest that this disease poses the most potential risk to Wisconsin's agriculture industry.

Although this description is fairly explanatory, the inclusion of counties within a 10-mile radius may need further clarification. The 10-mile radius was chosen as it is believed to be a conservative estimate of the distance a deer is likely to travel based on research in the Midwest. Although longer dispersals have been noted, 10 miles actually encompasses an average dispersal distance.

In addition to the prohibitions on baiting and feeding, this rule clarifies that the existing regulations pertaining to baiting (s. NR10.07(1)(g)) remain in effect in the counties not included in the ban.

The department continues to support a statewide ban on baiting and feeding as suggested by the scientific community as an important measure to prevent the spread of the disease or the potential establishment of the disease into new areas. However, if a statewide ban is not supported by the legislature, this emergency rule is the best alternative currently available until such a time that a permanent rule can be implemented.

2003 – 2004 Wildlife Baiting and Feeding Regulations



Affected Area:

On September 11, 2003 a prohibition on baiting and feeding went into effect in 22 southern Wisconsin counties (shaded). The counties included in the prohibition include Adams, Calumet, Columbia, Crawford, Dane, DeKalb, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Marquette, Portage, Richland, Rock, Sauk, Sheboygan, Vernon, Walworth, Waukesha, and Waushara. In the remaining counties (non-shaded), there are no restrictions on feeding, and baiting for deer hunting is allowed but regulated. Please see below for an explanation of the regulations in place for your county.

Definitions:

"Bait" means any material used to attract wildlife including liquid scent.

"Bird feeding devices and structures" means any device or structure that has the primary purpose of attracting or feeding birds or small mammals.

"Liquid" means a substance, neither solid or gaseous, that flows freely and takes the shape of its container at a temperature of 70°F.

"Liquid scent" means any liquid material except honey used to attract wild animals solely by its odor.

"Scent" means any material except honey, used to attract wild animals solely by its odor.

"Small mammals" mean all mammals other than bear, deer and elk.

Counties where baiting and feeding is prohibited (shaded counties):

Baiting

1. Except as provided in number 3. below, or as authorized as a condition listed in a CWD landowner shooting permit, no person may hunt with the aid of bait, or place or use bait for the purpose of hunting wild animals or training dogs.
2. No person may hunt or pursue animals in an area baited in violation of this subsection or in violation of the feeding prohibitions listed below, unless the area is completely free of bait or feed material for at least 10 consecutive days prior to hunting, pursuing animals or dog training.

3. A person may hunt with the aid of bait or place or use bait in any of the following circumstances:
 - a. Scent may be used for hunting deer or elk provided the scent is not placed or deposited in a manner that it is accessible for consumption by deer or elk. Non-liquid scents shall be removed daily by the end of hunting hours for deer. Two ounces or less of liquid scent may be placed or deposited in any manner for hunting game.
 - b. Hunting with the aid of material deposited by natural vegetation or material found solely as a result of normal agricultural or gardening practices is allowed.
 - c. Hunting over crops planted and left standing as wildlife food plots is allowed.
 - d. Bait may be placed in compliance with number 4. between April 15 and the close of the bear season for hunting bear or training bear dogs during the open seasons for these activities, provided that when the bait is placed and when the bait site is checked or re-baited, the bait is totally enclosed in a hollow log, a hole in the ground or stump which is capped with logs, rocks or other naturally occurring and unprocessed substances which prevents deer from accessing the material. Liquid scent used for hunting of bear or training bear dogs from April 15 to the end of bear season does not need to be enclosed in a hollow log, a hole in the ground or stump.
4. When hunting bear or bear dog training, no person may:
 - a. Place, use or hunt with the aid of bait material, in excess of 10 gallons for attracting wild animals or containing honey, bones, fish, meat, solid animal fat or parts of animal carcasses.
 - b. Place, use or hunt with the aid of bait material, other than scent, which is contained within or containing metal, paper, plastic, glass, wood or other similar processed materials. Use of hollow logs or stumps is permitted.
 - c. Place, use or hunt with the aid of bait material within 50 yards of any trail, road or a campsite used by the public.
 - d. Hunt with the aid of bait material, other than scent, without possessing a valid unused class A or a class B bear license.

Feeding

1. Except as provided in number 5. Below, or as a condition of a CWD landowner shooting permit, no person may place, deposit or allow the placement of any material to feed or attract wild animals.
2. Any person placing material or feed to attract wild animals other than permitted in number 5. Below, shall remove all food or other material illegally placed or deposited when ordered by the department to do so.
3. Landowners, lessees or occupants of any property where feeding is occurring, other than permitted in number 5. below, shall remove all food or other material illegally placed or deposited upon notification by the department of the illegal activity.
4. Elevated feeders that are designed to deposit food on the ground are prohibited.
5. The following activities are allowed:
 - a. Material placed solely for the purpose of attracting and feeding wild birds and small mammals when placed in bird feeding devices and structures at a sufficient height or design to prevent access by deer and only when the structures and devices are no further than 50 yards from a dwelling devoted to human occupancy. If wild deer are utilizing bird feeding devices or structures, the devices or structures shall be enclosed or elevated higher to prevent access by deer.
 - b. Feeding of wild animals, other than deer, elk or bear, by hand is allowed if:
 - Feed is placed not more than 30 feet away from the person doing the feeding, and
 - The person doing the feeding makes all reasonable attempts to clean up the unconsumed food before moving a distance greater than 30 feet from the deposited food.
 - c. Food deposited by natural vegetation or found solely as a result of normal agricultural or gardening practices.
 - d. Standing crops planted and left standing as wildlife food plots that may be used by wild animals.
 - e. Food material placed for bear hunting or bear dog training as specified in numbers 3. and 4. under baiting above.
 - f. Food material placed for trapping as specified in the 2003 Trapping Regulations.
 - g. The use of decoys for non-hunting purposes.
 - h. The placement of plain water for drinking or for bird baths.
 - i. The use of scents provided the material is not accessible for consumption by deer or elk.
 - j. Food or bait material placed or used for fish, reptiles, amphibians or arthropods provided the material is not accessible to bear, deer or elk.

Note: These feeding rules do not apply to captive wild animals held and licensed under ch. 169, Stats.

Remaining parts of the state not included in the baiting and feeding ban (non-shaded counties):

Baiting

It is illegal to:

1. place, use or hunt over bait contained within or containing metal, paper, plastic, glass, wood (other than hollow stumps) or other nondegradable materials.
2. use mechanical feeders for the purpose of hunting.
3. use any baiting material, liquid or scent for attracting wild animals containing honey, bones, fish, meat, solid animal fat (which includes bacon grease) or parts of animal carcasses.
4. place or hunt over baiting material, liquid or scent within 50 yards of any trail, road or campsite used by the public.
5. hunt over baiting material, liquid or scent during the archery season without possessing a valid, unused bear harvest permit or archery deer tag.
6. place more than 10 gallons of bait material or liquid scent in a baited area or hunt over a baited area containing more than 10 gallons of bait material or liquid scent. Note: You may hunt over material deposited by natural vegetation or found solely as a result of normal agricultural practices.

Clarification: It is illegal to hunt deer in an area that was baited in violation of 1., 2., 3. or 6. (above) from July 1 to January 31 unless the area is completely free of all baiting material for at least 10 consecutive days prior to hunting. The fact that the illegal bait is removed, allowing the area to be hunted after 10 consecutive days, does not alter any liability for the initial illegal placement of the bait.

Feeding

There are no limitations or restrictions on feeding wildlife in these counties. However, considering that the risks associated with CWD and Bovine TB may exist statewide, the Department of Natural Resources is requesting that individuals in these counties refrain from feeding deer. The activity of feeding results in an unnatural concentration of deer that can act as a method by which infectious diseases can be spread.



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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February 14, 2003

Chronic Wasting Disease and the Science in support of the Ban on Baiting and Feeding Deer.

Timothy R. Van Deelen Ph.D.
Wisconsin DNR Research

Summary

Reliable science provides support for a ban of baiting and feeding of white-tailed deer to reduce disease risks for Chronic Wasting Disease (CWD). Peer-reviewed research papers published in reputable scientific journals indicate the following:

- CWD is transmitted laterally (live diseased deer infect other deer)
- Deer can get CWD by ingesting something contaminated with the disease prion
- CWD prions may be shed in feces and saliva
- Disease course and symptoms indicate high potential for transmission where deer are concentrated
- Evidence from captive situations indicates that deer can get CWD from highly contaminated environments.
- Baiting and Feeding causes *unnatural* concentration of deer
- Reduction of contact through a ban on baiting and feeding is likely very important to eradicating or containing a CWD outbreak.
- Baiting and feeding continues to put Wisconsin's deer herd at risk to other serious diseases

In addition, experts in CWD, wildlife disease and deer nutrition support bans on baiting and feeding as part of a comprehensive strategy to prevent and/or manage CWD.

Under a baiting and feeding ban, disease outbreaks are more likely to be smaller in scale and more apt to be contained or eliminated. With the long CWD incubation period and other factors that make discovery of a new outbreak difficult, an outbreak that is already widespread when detected because of baiting and feeding may not be able to be contained or eliminated.

This document provides details and explicit links to the supporting science.

Chronic Wasting Disease and the Science behind the Ban on Baiting and Feeding Deer.

Some critics claim that there is no scientific support for the judgment that resulted in the ban. **This is simply untrue.** In this document, I review some of the scientific evidence in support of the baiting and feeding ban.

The science in support of the ban on baiting and feeding is strong and comes from a number of diverse scientific sub-disciplines (veterinary medicine, wildlife ecology, biochemistry, physiology, etc.). Consequently, there is no single comprehensive study or paper that, by itself, demonstrates the CWD-related effects of baiting and feeding of wild deer (good or bad). Evaluating the science relative to baiting and feeding requires integration of scientific evidence from several different sub-disciplines.

The **quality of scientific evidence** is an issue for some critics who claim that other science or other experts fail to support the ban. It is also an issue in trying to reach an objective scientific judgment. In keeping with established scientific practice, I consider articles published in reputable, peer-reviewed, scientific literature to be of the highest quality. Peer-review insures that articles have been rigorously evaluated and endorsed by qualified specialists. A secondary level of scientific rigor is the unpublished opinion or unpublished research of recognized experts working on the topic of interest. An example of this would be the opinion or unpublished research on CWD transmission from investigators who have established their expertise through peer-reviewed publication on other CWD-related topics. A very distant third level of quality is the unpublished opinion of recognized experts working on distantly related topics. Again, scientific expertise is demonstrated by frequent publication in reputable peer-reviewed scientific journals.

The following is a partial list of scientific evidence that suggests that baiting and feeding of wild deer elevates the risk of CWD transmission. This list focuses almost entirely on disease risks posed by CWD **although other diseases (e.g. Bovine Tuberculosis) may pose even greater risks** and there are many other reasons (e.g. ecological, social, nutritional) why baiting and feeding deer is inappropriate management. **This list is intended to be explicit in its links to peer-reviewed science.** Complete literature citations are included at the end of the document for readers who want to read the original scientific articles.

- **CWD is transmitted laterally (live diseased deer infect other deer)**

Researchers who have studied CWD epidemics in both captive and free-ranging deer populations have determined that CWD is both contagious and self-sustaining (meaning that new infections occur fast enough for CWD to persist or increase over time despite the more rapid deaths of the diseased individuals; Miller et al 1998, 2000). Supporting evidence comes from observational data (Williams and Young 1992; Miller et al. 1998, 2000) experimental data, and epidemiological models fit to observed prevalences in free-living deer (Miller et al. 2000, Gross and Miller 2001, M. W. Miller unpublished in Williams et al. 2002). These studies suggest that observed prevalences and rates of spread of CWD in real populations could not occur without lateral transmission. For example, maternal transmission (doe to fawn) if it occurs, is rare and cannot explain most cases where epidemiologic data are available (Miller et al. 1998, 2000). Similarly, indirect lateral transmission (e.g. from a contaminated environment) may require unusually high levels of contamination (see below; Williams et al. 2002). Nonetheless, emerging research from Colorado suggests that indirect lateral transmission from environmental contamination appears to play a role in sustained and recurrent epidemics (Miller 2002).

- **Deer can get CWD by ingesting something contaminated with the disease prion**

Six mule deer fawns were fed a daily dose of 2g (0.07 ounces) of brain tissue from CWD-positive mule deer in a tightly controlled experiment for 5 days. Another three were fed the same doses using brain tissue from CWD-negative mule deer. All deer were held separately in indoor pens that had never

before held deer. The fawns were then killed and necropsied at specific intervals 10 to 80 days post-inoculation. At 42 days and later post inoculation, all fawns dosed with CWD-positive tissue tested positive for CWD prions in lymph tissues associated with their digestive tracts (Sigurdson et al. 1999). Other transmissible spongiform encephalopathies (TSEs; Kuru, transmissible mink encephalopathy, bovine spongiform encephalopathy[BSE]) appear to be transmitted through ingestion of prion-infected tissue as well (Weissmann et al. 2002). Due to the human health crisis associated with eating BSE-infected beef in Europe, many other researchers working with TSEs, including CWD (Sigurdson et al. 1999, 2001), have traced the movements of infectious prions of orally-infected animals through the lymph tissue embedded in the intestinal lining, into nervous tissues associated with the digestive tract (e.g. Maignien et al. 1999, Beekes and McBride 2000, Heggebo et al. 2000, Huang et al. 2002) and eventually to the brain via the nervous system (Sigurdson et al. 2001, Weissmann et al. 2002). Experimental studies using hamsters have shown that prions can infect through minor wounds in the skin (Taylor et al. 1996) and that infection through minor wounds on the tongue was more efficient than infection from ingestion (Bartz et al. 2003). These studies not only demonstrate that an oral route of infection is possible, but are beginning to provide specific details about the pathways involved in the movement of infectious prions into the central nervous system and other organs (Weissmann et al. 2002).

- **CWD prions may be shed in feces and saliva**

Following oral exposure, prions associated with many TSEs (Maignien et al. 1999, Huang et al. 2002) including CWD (Sigurdson et al. 1999; Miller and Williams 2002 and Spraker et al. 2002 cited in Williams et al. 2002) both accumulate and replicate in the lymph tissues associated with the gastrointestinal tract – particularly in lymph tissues in contact with the mucosa lining the inside of the intestines (e.g. Peyer's patches, Weissmann et al. 2002). In infected deer, CWD prions also accumulate in the pancreas and various other glands of the endocrine system (Sigurdson et al. 2001). Experiments with hamsters demonstrated that infectious prions can travel from the brain to the tongue along tongue-associated cranial nerves (Bartz et al. 2003). During digestion, the liver, pancreas, intestinal mucosa, and other glands secrete chemicals needed for digestion (Robbins 1983) and cells lining the inner surface of the intestine continuously die and slough off providing potential physical mechanisms for prion shedding into the intestines (others are likely). This is evidence that infectious prions are likely shed in the feces and saliva (Sigurdson et al. 1999).

- **Disease course and symptoms indicate high potential for transmission where deer are concentrated**

Appearance of CWD symptoms in an infected deer lags initial exposure by a variable time period on the order of roughly 12-24 months or more ([E. S. Williams and M. W. Miller unpublished; E. S. Williams, M. W. Miller, and T. J. Kreeger unpublished] cited in Williams et al. 2002). Once clinical symptoms are observed, deer enter a symptomatic phase that may last on average 1-4 months before they invariably die (Williams et al. 2002). Symptoms are initially subtle but eventually include behaviors likely to contaminate a site with bodily fluids (e.g. excess urination, excess salivation including drooling and slobbering, and uncontrollable regurgitation, Williams et al. 2002). Deposition of feces increases with concentration of deer activity. This is both obvious and intuitive and pellet group counts have been used as an index of deer density since the 1940's (Bennet et al. 1940). During winter, northern deer defecate about 22 times a day (Rogers 1987). At least one study (Shaked et al. 2001) has reported detection of an altered form of the infectious prion in the urine of hamsters, cattle, and humans with TSEs. This altered form, while not as virulent, produced sub-clinical prion infections following experimental inoculation. Shedding of infectious prions is likely progressive during the course of disease from infection to death (Williams et al. 2002). Replication and presence of infectious prions in gut-associated lymph tissue early in the incubation (Sigurdson et al. 1999, Weissmann et al. 2002) and epidemiological modeling (M. W. Miller unpublished cited in Williams et al. 2002) suggest that shedding precedes the onset of symptoms in both elk and mule deer.

In this regard, Garner (2001) documented a particularly alarming behavior among deer using frozen feed piles. Deer used the heat from their mouths and nostrils to thaw and dislodge food such that frozen feed piles were dented with burrows made from deer noses. He reported that "Throughout the winter multiple numbers of deer were observed working in and around the same feed piles. I suspect that each deer that feeds this way at a frozen feed pile leaves much of its own saliva and nasal droppings in the field pile at which its working"(Garner 2001, p. 46).

- **Evidence from captive situations indicates that deer can get CWD from highly contaminated environments.**

In addition to direct lateral transmission, researchers suspect that deer can be infected indirectly from contaminated environments. Contaminated pastures "appear to have served as sources in some CWD epidemics although these observations are anecdotal and not yet corroborated by controlled studies" (Miller et al 1998, [M. W. Miller unpublished and E. S. Williams, W. E. Cook, and T. J. Kreeger unpublished] cited in Williams et al 2002). The potential for transmission from the environment is a function of the degree of contamination and the resistance of disease prions to chemical breakdown (Williams et al 2001, 2002). Consequently, the highest prevalences recorded for CWD outbreaks have been in captive situations (Williams and Young 1980, Williams et al. 2002) where because of abnormal concentration, indirect and direct transmission likely occur together (Williams et al. 2002). At high concentration, the persistence of the CWD prion in contaminated environments, may be a serious obstacle to disease eradication (Williams et al. 2002).

- **Baiting and Feeding causes *unnatural* concentration of deer**

People use baiting and feeding to concentrate deer for enhanced hunter opportunity or viewing. In northern deer, seasonal concentration in deeryards is a well-known phenomenon (Blouch 1984). However, the potential for close animal-to-animal contact over a feed pile is fundamentally different than the contact yarded deer experience while foraging on natural food. In deeryards, deer eat a variety of woody browse plants and arboreal lichens (Blouch 1984) scattered across a large area. In terms of biomass and nutrition, the best source of browse and lichens may be litter-fall rather than live plant material growing in the understory (Ditchkoff and Servello 1998). Food sources in deer yards (litter and understory plants) are widely distributed over a large area and they are not replaced. Moreover, browse is typically held aloft on the plant stem such that fecal contamination is less likely. Foraging by wintering deer is an optimization process. Energy gains associated with eating need to be balanced against energy costs associated with travel and exposure (Moen 1976). Yarded deer with little or no access to supplemental food maintain relatively large overlapping home ranges (e.g. 110 acres in Minnesota [Nelson and Mech 1981], 480 acres in Michigan [Van Deelen 1995], 318 acres in Quebec [Lesage et al. 2000]) suggesting that foraging widely on a diffuse food source is normal. Garner (2001) monitored 160 radio-collared deer for 2 fall/winter periods in northern Michigan and documented their behavior over feeding sites using both telemetry and direct observations. He demonstrated that, relative to natural forage, supplemental feeding caused reduced home range sizes, increased overlap of home ranges in space and time and dramatic concentrations of activity around feeding sites.

- **Reduction of contact through a ban on baiting and feeding is likely very important to eradicating or containing a CWD outbreak.**

Epidemiological models fit to real-world data on CWD outbreaks in mule deer predict that local extinction of infected deer populations is likely (Gross and Miller 2001). The predicted outcomes of these models are highly sensitive to input estimates of the amount of contact between infected and susceptible deer meaning that small reductions in contact rates can dramatically reduce the rate at which prevalence changes during an epidemic (Gross and Miller 2001). Garner (2001) demonstrated that baiting and feeding was associated with deer concentration, extensive face-to-face contacts, and increasing overlap of deer home ranges. White-tailed deer have contacts from social and grooming behaviors apart from contact over baiting and feeding sites (Marchinton and Hirth 1984) but social groups

of whitetails tend to be small during most of the year (4-6 individuals, Hawkins and Klimstra 1970). Whitetail physiology and behavior are adapted to selective foraging on nutritious plants (Putman 1988). Moreover, social groups tend to exclude one another by using different areas or by using shared areas at different times (Mathews 1989, Porter et al. 1991). Concentration of deer activity over feeding sites increase both direct and indirect contact between groups by increasing home range and core area overlap and by increasing the amount of time that unrelated deer feed in close proximity to each other (Garner 2001).

Eliminating these contacts has added significance because CWD is a uniquely difficult disease to manage and study. There is no treatment and no vaccine. Moreover CWD is difficult to track in a population because of long incubation periods, subtle early clinical signs, a resistant infectious agent, potential for environmental contamination and incomplete understanding of transmission mechanisms. These characteristics make prevention critically important (Williams et al. 2002).

- **Baiting and feeding continues to put Wisconsin's deer herd at risk to other serious diseases**

CWD is not the only infectious disease that threatens Wisconsin's deer herd. One, Bovine Tuberculosis (TB) warrants special attention because the link to baiting and feeding is clear. TB is an infectious bacterial disease that is spread from animal to animal through inhalation of infectious aerosols or ingestion of other infectious body fluids (e.g. saliva). TB bacteria can live outside of an animal for as long as 16 weeks on a frozen feed pile (Whipple and Palmer 2000 cited in Garner 2001) and Garner (2001) demonstrated that supplemental food increased close contact among wild deer through a number of mechanisms. Garner (2001) also demonstrated extensive home range overlap between a TB-positive deer and 15 other radio-collared deer in northern Michigan. Recent epidemiological research suggests that baiting and feeding of deer enabled the TB outbreak in Michigan to persist and spread and that declines in TB prevalence were associated with a ban on baiting and feeding (O'Brien et al. 2002).

Current attention is focused on the CWD outbreak in southwestern Wisconsin. However, should CWD or other infectious disease show up elsewhere, baiting and feeding are likely to facilitate or enhance an epidemic. TB has been confirmed on 6 captive game farms in Wisconsin and the presence of over 800 captive cervid farms statewide suggests that the disease risks associated with baiting and feeding are not confined to the known CWD-infected area of southern Wisconsin.

- **What do the experts say relative to artificial feeding and CWD and disease transmission?**

A discussion of CWD in a review of the scientific literature on captive deer done for The Wildlife Society (Professional society for wildlife biologists, managers, and researchers; publisher of 3 premier peer-reviewed scientific journals on wildlife ecology and management)...

"Concentration of deer and elk in captivity or in the wild by artificial feeding may increase the likelihood of transmission between individuals." (DeMarais et al. 2002, p. 6).

In a review of the technical literature on CWD by the top CWD specialists in the world...

"Concentrating deer and elk in captivity or by artificial feed probably increases the likelihood of direct and indirect transmission between individuals. Transmission via contact between susceptible and infectious individuals probably requires more than just transient exposure. Thus, minimal fence-line exposure does not pose excessive risk of transmission; however, prolonged fence-line contact increases the possibility of transmission" (Williams et al. 2002, p.557).

In a peer-reviewed paper on the epidemiology of Bovine TB by the team of veterinarians, epidemiologists, and wildlife researchers working to contain the outbreak in Michigan...

"Previous qualitative examinations of the origins of tested deer already suggested that TB positive animals were more likely to come from the core area. Our new analysis quantifies that risk. The high risk associated with the core coincides with an area of historically prevalent and intensive baiting and

supplemental feeding of deer – practices that were likely crucial to the establishment of self-sustaining TB in the deer population” (O’Brein et al. 2002 and citations within).

In oral presentations given to the Texas chapter of the Society of Range Management (Oct. 6 2000) and to the Southeaster Deer Study Group (Feb. 19 2001) by Dr. Robert D. Brown, Professor and Head of the Department of Wildlife and Fisheries Sciences at Texas A&M University, Internationally recognized expert on deer and deer nutrition...

“One of the major points of this paper is the concern over transmission of disease. It amazes me that we have not done more studies in Texas on disease transmission at food plots and deer feeders, whether they be for supplementing the deer or for baiting. We know that in 1994 tuberculosis (TB) was first detected in wild deer in Michigan. It is now in a 5-county area, and has spread to carnivores and dairy herds”...”In Wyoming and around Yellowstone Park, brucellosis is wide spread among cattle, elk, and bison, the latter two species being concentrated on feeding grounds in the winter. Likewise, Chronic Wasting Disease (CWD) has now been observed in free-ranging elk and mule deer in several western states. Since CWD is passed animal to animal, concentrations caused by supplemental feeding is believed to increase the spread of the disease” (Brown Unpublished).

In a report issued by a panel of internationally recognized wildlife disease experts who reviewed Colorado’s CWD management program...

“Regulations preventing...feeding and baiting of cervids should be continued” (Peterson et al. 2002).

In a comprehensive review of the ecological and human social effects of artificial feeding and baiting of wildlife prepared by the Canadian Cooperative Wildlife Health Centre, Department of Veterinary Pathology, University of Saskatchewan...

“Significant ecological effects of providing food to wildlife have been documented through observation and experimentation at the individual, population, and community levels. The increased potential for disease transmission and outbreak is perhaps of greatest and immediate concern; recent outbreaks of bovine tuberculosis and chronic wasting disease in Canada and the United States giving credence to this point. Nevertheless, even if disease is prevented, other significant ecological concerns exist” (Dunkley and Cattet 2003, p. 22).

Review and Acknowledgments

To insure that this document accurately reflects the scientific knowledge of prion disease, CWD, and deer biology, this document was reviewed by the following specialists (position and expertise follows each name). I thank them for their time. :

- Judd Aiken Ph.D. (Professor of animal health and biomedical sciences, UW-Madison; *prion diseases*)
- Valerius Geist Ph.D (Professor Emeritus, Department of Environmental Science, University of Calgary; *ecology behavior and management of deer*)
- Julia Langenberg DVM (Wildlife Veterinarian, Wisconsin DNR; *CWD, wildlife diseases*)
- Nohra Mateus-Pinilla DVM, Ph.D. (Research Epidemiologist, Illinois Natural History Survey, University of Illinois; *wildlife diseases, epidemiology*)
- Nancy Mathews Ph.D. (Assoc. Professor of wildlife ecology, UW-Madison; *deer ecology and behavior*)
- Keith McCaffery M.S. (Deer specialist, Wisconsin DNR, retired; *deer ecology and management*)
- Robert Rolley Ph.D. (Population Ecologist, Wisconsin DNR; *population dynamics, deer management*)

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CORRESPONDENCE/MEMORANDUM

DATE: February 20, 2003

FILE REF: 2300

TO: Joint Committee on Review of Administrative Rules Members

FROM: Tom Hauge, Director Bureau of Wildlife Management, WDNR *Tom*

SUBJECT: Summary of Chronic Wasting Disease Management Emergency Rules

Rule Proposal**Eradication, Intensive Harvest and Management Zones**

The rule establishes 2 CWD zones for hunting regulations (Figure 1). The smaller Intensive Harvest Zone closely surrounds the positive CWD cases where the most intensive hunting regulations will be employed. The larger Management Zone is the adjacent area out to approximately 40 miles from the center of the positive CWD cases where somewhat less aggressive hunting regulations will be used. Both zones are identified by county and state highway boundaries. The Management Zone includes whole and partial deer management units bounded by highways. Part or all of units 70E and 73B were added to the original CWD Management Zone because they are largely within 40 miles of the Eradication Zone center. Four units originally proposed to be entirely in the CWD Management Zone were split, because substantial portions of these units are beyond 40 miles; these split units include 54B, 70G, 71, 77A.

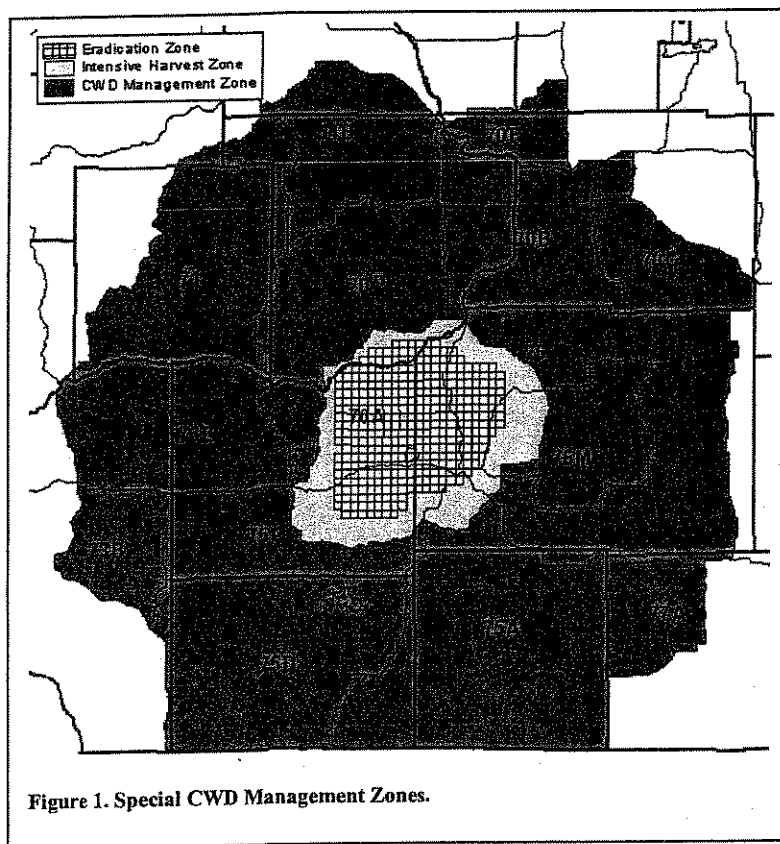


Figure 1. Special CWD Management Zones.

This rule also establishes a CWD eradication zone where additional deer herd control activities will be authorized. In the eradication zone herd management tools available include sharpshooting by department employees, landowner shooting permits, helicopter use for drives and shooting, landowner shooting from tractors, and shooting from vehicles by department employees. This area is called the Eradication Zone where deer populations will be reduced to as close to zero as possible. Landowners are being contacted to let them know they are in this area and to let them know about the above herd management tools. The Eradication Zone is defined as an area within 9 miles of the center of the positive CWD cases and within 4 miles of any CWD positive deer. Currently, the eradication zone lies entirely within the Intensive Harvest Zone, but it could expand outside the Intensive Harvest Zone if new positives are found.

Special Authority in the Eradication Zone

The legislature has granted authorization for shooting from aircraft and vehicles by department employees, driving deer with aircraft, and landowner shooting from tractors. This rule describes the conditions under which aircraft may be used for shooting deer—December 1 – April 15. Aircraft may be used for other purposes any time of the year. This special authorization will expire June 30, 2004.

Population Goals

The emergency rule establishes a deer population goal of zero within the Eradication Zone where infected deer are known to occur. The rule establishes a population goal of 10 deer per square mile of deer range for all units and partial units in the Management Zone.

Hunting Seasons

Intensive Harvest Zone--The Intensive Harvest Zone will have a gun deer hunt from October 24 – January 31. The archery hunt will begin September 14 and run through January 31. There will not be a separate muzzleloader season.

Management Zone--The Management Zone will have gun hunts from October 24-27 (same period as the October Zone T); November 23 – December 15 (same hunting periods as the 9-day + muzzleloader + December Zone T); and December 21 – January 3 (Christmas week through end of regular archery season). The archery hunt will run from September 14 through January 3. There will be no separate muzzleloader season.

Permit System

We recommend an earn-a-buck system be used to achieve the level of herd reduction that is needed in both zones. In 1996 the earn-a-buck system resulted in a registered harvest of over 50 deer per square mile in unit 70A. During the '96 season, hunters could only earn one buck per license. This year hunters will be allowed to earn multiple bucks. For each antlerless deer shot, a hunter will earn the opportunity to harvest a buck. To make it easier for hunters, they could bring in both a buck deer and an antlerless deer without registering the antlerless deer first as long as the antlerless deer was shot first and accompanies the buck deer. Hunters could earn buck deer hunting authority with antlerless deer shot during the landowner hunt, archery hunt, and gun hunt periods; buck deer hunting authority would not be specific to a weapon type. Hunters could obtain up to 4 special CWD permits per day prior to and during the hunts.

Registration and Carcass Transportation

Intensive Harvest Zone--Deer harvested in the Intensive Harvest Zone would have to be registered in that Zone. Registration would be required by 5 p.m. on the day after the day that the deer was killed. The department does not have statutory authority to regulate movement of carcasses of registered deer. However, we will recommend to hunters that all unused part of deer carcasses be land-filled or incinerated.

Management Zone--Deer harvested in the Management Zone would have to be registered in the unit of kill or adjacent unit, but could not be removed from the Management Zone prior to registration. There would be no carcass transportation restrictions following registration. Registration would be required by 5 p.m. on the day after the day that the deer was killed.

Deer harvested outside the CWD Management Zone could not be registered in the CWD Management Zone or Intensive Harvest Zone. Deer harvested outside the CWD Management Zone could not be transported in or through the CWD Management Zone or Intensive Harvest Zone prior to registration.

Firearm Restrictions

Intensive Harvest Zone: Any legal firearm could be used including rifles. The Intensive Zone includes a portion of Dane County, which normally has a shotgun only restriction. The safety record and greater range of effectiveness of rifles, together with the need to harvest all deer in this zone, lead to this recommendation.

Management Zone: Firearms would be restricted to those normally allowed during the gun season for each county.

Blaze Orange

All hunters except waterfowl hunters would be required to wear clothing that is at least 50% blaze orange above the waist in the CWD gun hunts both in the Intensive Harvest and Management Zones.

State Parks and Waterfowl Refuges

The department is asking all landowners in the affected area to be part of the solution. Non-participating landowners create refuges for both the deer and the disease. The department is proposing that all department-managed lands also be opened to hunting for the same reason.

State Parks in the Intensive Harvest and Management Zones would be opened to deer hunting to reduce the herd and remove potential refuges (Table 2). Blue Mounds State Park is located in the Intensive Harvest Zone. Blue Mounds State Park would be open to gun and archery hunting in the mornings of October 24-27 and all day from October 28-December 15. Three of the larger parks in the Management Zone—Governor Dodge, Mirror Lake, and Devil's Lake--would also be open to gun hunting during the mornings of October 24-27, but would then be open for gun hunting November 23 – December 15. Four parks in the Management Zone--Yellowstone Lake, Natural Bridge, Cadiz Springs, and Rocky Arbor State Parks--would be open for gun hunting from November 23 to December 15. Archery hunts in all of these Management Zone parks would begin on November 23 and end on December 15, except those that currently end at the end of the regular archery season (January 3); these late archery hunts would occur on Mirror Lake, Yellowstone Lake, Devil's Lake, and Rocky Arbor State Parks. Park hunters would be required to have a state park sticker on their vehicle. Park deer hunters numbers would not be limited. Hunters will be required to obtain a map to know what parts of the park are closed to hunting. Park hunters would be under the same firearm restrictions as for the county that the park is located in.

Lake Kegonsa and Governor Nelson parks are in urban areas and would have their deer populations reduced by sharpshooting either through contract or by department employees. New Glarus Woods park is almost entirely in designated use areas, so deer would similarly be removed by sharpshooters only.

Waterfowl refuges within the Intensive Harvest Zone and the Management Zone would be opened to deer hunting during the gun deer hunt.

Landowner Permits

Deer removal permits will continue to be issued to landowners in the eradication zone under the newly codified permitting process. Permits would be issued to landowners or to lessees and occupants with the permission of the landowner. Anyone could participate in these hunts if they have written permission from the landowner and meet the normal age and hunter safety requirements for hunting. Licenses would not be required for participants except during gun and archery seasons. There would be no limit on the number of deer killed. Harvested deer would have to be registered at a designated registration station.

Baiting Prohibition

Many people at each CWD public meeting asked the department to ban baiting and feeding statewide. The recently increased interest in banning baiting and feeding stems from concern for the spreading of disease from infected deer to healthy deer before we can detect the disease with standard monitoring procedures.

Baiting for any hunting purpose would be banned statewide to reduce the chance that a disease would become established and spread in local deer herds. An exemption is granted for baiting for bear if the bait is placed in a manner that the bait is not available to deer (i.e. in hole or hollow stump with log or rock cap). Foods produced as a result of normal agricultural practices, standing crop foods plots, and natural vegetation are not considered bait in this regulation.

This rule exempts landowners and their agents from the statewide baiting prohibition if they are authorized under a nuisance wildlife permit (NR 12) issued by the department. Landowners and their agents would be required to follow conditions listed on the permit. Conditions would include the requirement of shooting deer over the bait. If sufficient numbers of deer were not shot, the permit would be terminated or department staff would shoot over the bait site. This requirement would prevent the concentration of deer without their removal.

Feeding Prohibition

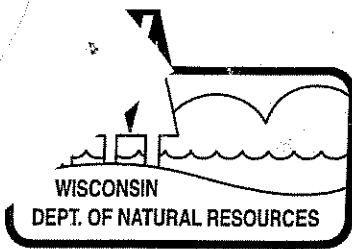
The department has the legislative authority to regulate the feeding of wildlife through June 30, 2004, during this time period wildlife feeding would be prohibited where the feed is accessible to deer statewide to reduce the chance that a disease would become established and spread in local deer herds. This rule would not prohibit bird and small mammal feeding where the feed is inaccessible to deer. The rule would also continue to allow feeding of wildlife by people attending the feed as long as they removed the feed when they left the site. Devices that are designed to cast feed to the ground would be prohibited. Many people at each public meeting asked the department to ban deer feeding statewide.

Sampling for Disease

The rule clarifies that the department may sample a hunter-harvested deer for disease testing purposes.

Diseased Deer Replacement Permits

The rule allows the department to issue replacement permits to hunters who surrender to the department a deer believed to be diseased. This provision would encourage hunters to shoot and have potentially sick deer tested. The rule would apply to the area of the state outside the CWD Management and Intensive Harvest Zones (unlimited permits would be available in these 2 zones).



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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Scott Hassett, Secretary

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February 24, 2003

Honorable Joseph Leibham, Chair
Joint Committee for Review of Administrative Rules
Room 409 South
State Capitol

Honorable Glenn Grothman, Chair
Joint Committee for Review of Administrative Rules
Room 15 North
State Capitol

Re: Extension of Emergency Orders No. WM-32-02(E) and WM-15-03(E)
Chronic wasting disease (CWD) control efforts

Gentlemen:

The Department of Natural Resources, under s. 227.24(2), Stats., is requesting the Joint Committee for Review of Administrative Rules to extend Natural Resources Board Emergency Orders No. WM-32-02(E) and WM-15-03(E). The emergency orders are currently set to expire on April 1, 2003. The Department requests that these emergency orders be extended until September 1, 2003, as authorized by 2001 Wis. Act. 108.

The extension of these emergency orders is needed so the regulations to control the spread of chronic wasting disease can remain in effect until the follow-up rules can be promulgated through the normal rulemaking process. Public hearings are scheduled on the proposed CWD rules and the Environmental Impact Statement on March 17, 18 and 19 in 17 cities around the state. Adoption of the CWD rules by the Natural Resources Board is scheduled for April 23, 2003 with legislative review to begin shortly after that.

A copy of the emergency rules is attached. Also included is additional information to assist the Committee's deliberations. A copy of the Environmental Impact Statement was previously distributed to each legislator.

It is our understanding that a tentative date for a hearing on this matter has been scheduled for March 27, 2003. If you have any questions, please contact either Kurt Thiede of the Bureau of Wildlife Management at 267-2452 or Tim Andryk of the Bureau of Legal Services at 264-9228.

Sincerely,

Scott Hassett
Secretary

Attach.

cc: Presiding Officers
Kurt Thiede - WM/4
Tim Andryk - LS/5
Carol Turner - LS/5



State of Wisconsin
Jim Doyle, Governor

Department of Agriculture, Trade and Consumer Protection
Rod Nilsestuen, Secretary

Policy Statement on Feeding and Baiting Whitetail Deer

Issue: The potential impact of supplemental feeding and baiting of free-ranging whitetail deer on the health status of Wisconsin's whitetail deer herd, farm-raised deer herds and traditional domestic livestock.

Background:

Supplemental Feeding: Supplemental feeding, defined as the addition of grain, feeds, salt or mineral blocks to the natural food base of free-ranging animals, artificially increases herd densities above the natural carrying capacity of the habitat, concentrates animals within a decreased geographical area, and alters natural behavioral responses and movement patterns. Elevated deer populations and the concentration of animals into smaller land areas inherently increases the direct contact of animals with aerosol droplets, infected urine and feces and contaminated foodstuffs. The overall result is a higher risk of exposure and transmission of diseases. Wildlife diseases such as Hemorrhagic Disease, Babesiosis, and Brain Worm may become endemic in defined locations and reduce the health status of the free-ranging population. Altered behavioral responses, such as the loss of natural flight reaction to mechanical feeding devices, allow free-ranging animals to become acclimated to associating and feeding with agricultural livestock, including farm-raised deer, beef cattle and dairy herds. Thus, highly infectious diseases that would be highly detrimental to wildlife as well as to Wisconsin's agricultural livestock industry may become established in the free ranging population and transmitted to agricultural livestock. Examples of such diseases include Leptospirosis, Bovine Viral Diarrhea, Brucellosis, and Bovine Tuberculosis. In addition, the indirect impact of certain infectious diseases on domestic livestock can be substantial. For example, infection of cattle with Hemorrhagic Disease virus of deer may induce an antibody response in cattle that can result in a false positive test for Bluetongue Virus (BTV) with certain serologic tests. Such false positive reactions would create significant problems in exporting cattle from Wisconsin to BTV-negative areas.

Bovine Tuberculosis was first discovered in free-ranging whitetail deer in Michigan in 1994, thus establishing the first known TB reservoir in a wildlife population in the history of the United States. Research, conducted by the Michigan Department of Natural Resources and the Michigan Department of Agriculture has demonstrated that feeding is an effective mechanism of TB transmission via both inhalation of infected air droplets and feed material contaminated through infected saliva and urine. Also, DNA fingerprinting techniques have shown that the TB endemic within the free-ranging whitetail deer herd has infected 26 cattle herds in the upper Lower Peninsula of Michigan. As a result, Michigan has lost its TB free status, resulting in decreased cattle sales, loss of international markets, increased testing costs, and the total depopulation of TB infected domestic livestock herds.

Baiting: Baiting, defined as placing small amounts of feeds or food-type materials for the purpose of attracting game animals for hunting or shooting, does not greatly contribute to the problem of maintaining artificially elevated populations. However, it does increase the risk of disease transmission by aggregating animals over small feed supplies. A Wisconsin study has documented as many as 35 different deer (multiple family groups) visiting a single two-gallon feed site. Enticing multiple animals over small feed piles dramatically increases the probability for aerosol transmission of diseases such as Infectious Bovine Rhinotracheitis, Parainfluenza, Pasteurellosis, and Bovine Tuberculosis. While only a few deer may eat the entire feed supply, other animals continue to inspect the area, thereby contacting infected saliva, urine and feces allowing for the mechanical transmission of diseases. Consequently, hazard arising through direct and indirect animal contacts over smaller bait piles cannot be ignored in developing a disease control and eradication strategy.

Summary: Elimination of supplemental feeding and baiting of free-ranging whitetail deer may reduce the deer population as the herd responds to the natural carrying capacity of the habitat, reduce the unnatural congregation of animals and decrease direct and indirect animal contacts. This will reduce the risk of establishing an infectious disease reservoir within the free-ranging population of whitetail deer, of transmission of wildlife diseases to agricultural livestock (both farm-raised deer and traditional livestock) and jeopardizing Wisconsin's intrastate, interstate and international agricultural livestock markets.

Therefore, the Department of Agriculture, Trade and Consumer Protection supports the Department of Natural Resources' proposed permanent rule on feeding and baiting of free-ranging whitetail deer.

This policy has been reviewed by the University of Wisconsin School of Veterinary Medicine and College of Agriculture and Life Sciences.

Chronic Wasting Disease and Cervidae Regulations by State, in the United States

MI Department of Natural Resources
03/19/2003

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations (Base) (only if different or in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Banned	Feeding Banned	Bar on Movement of Animal Parts
Summary	In nine states, the state's Department of Agriculture, or equivalent, has jurisdiction over captive cervids. The Department of Fish and Game, or equivalent, has jurisdiction in eight states. Captive cervid farms are jointly managed by both agencies in thirty-three states.	Twenty-three states prohibit the importation of cervids from any county, region and/or state that is endemic for CWD; have regulations that can prohibit importation from endemic areas; require that the state exporting the cervid be enrolled in an official CWD monitoring and certification program; and/or require only that there has been no diagnosis of CWD in the originating herd or imported cervid. Twenty-five states have banned all cervid imports.	Twenty-five states are currently in the process of developing new and/or additional CWD regulations.	Thirty-two states perform captive cervid testing for CWD and eight additional states are in the process of developing surveillance.	Forty-seven states perform CWD testing on wild cervids, and two additional states are in the process of developing surveillance.	Twenty-three states do not allow the baiting of cervids; 3 states have certain restrictions on baiting (MI, NE, SC); and two states are discussing a ban on baiting (ND, WV). Two Canadian provinces (Alberta and Manitoba) have banned baiting.	Nine states do not allow the feeding of cervids, two states have certain restrictions and six states are discussing a ban on feeding. Eleven states and one Canadian province have put restrictions on the importation of hunter-harvested cervid parts (CA, CO, IL, IA, MN, MD, NM, NY, OR, RI, UT, VT, Manitoba) and six states (KY, MI, MT, NC, OK, PA) are discussing similar bans.
Alabama	Department of Conservation and Natural Resources. Contact: Gary Moody, gmoody@dnr.state.al.us	No cervid imports allowed. Have not allowed cervid imports since 1973. It is illegal to have penned deer, several high fenced areas do exist.	NA - Have not allowed imports for over 30 years.	Animals from captive herds are included in the state CWD sampling program. Dept. of Ag. is implementing a more comprehensive sampling protocol.	Sampling began in 2001. Significantly increased this year to include several hundred animals. Also, education efforts have made the public more aware of the need to report deer that may be doing poorly or may not be acting normally. Those deer are also submitted for testing.	Baiting is not allowed. Feeding is not allowed in areas of hunting. No ban.	No ban.
Alaska	Division of Agriculture responsible for game farm permits and inspecting fencing. Division of Environmental Health responsible for animal health regulations. Contact: Wayne Regelin, wayne_regelin@fishgame.state.ak.us, Bert Gore, State Vet., Bert_Gore@envicon.state.ak.us.	05/23/02: Moratorium on importation of cervids for 6 months. (Previous regulations: Elk require a special permit from the Commissioner, only captive cervids legally allowed are elk and reindeer).	Drafting new regulations which will require captive cervids to be enrolled in a CWD monitoring program for a minimum of 3 years before importation.	Recommendations have been made to test captive cervids.	No baiting allowed. No feeding allowed. No ban at this time.	No baiting allowed. No feeding allowed. No ban at this time.	No ban at this time.
Arizona	Game & Fish Department. Contact: Dana Yost, (602) 786-3281, dyost@gf.state.az.us, Jim DeVos, (602) 786-3247, jdevos@gf.state.az.us	05/18/02: Emergency statewide ban on importation of all captive cervids. (Previous regulations: individual ear tag identification number).	Emergency and Regular rulemaking currently underway to permanently ban cervid importation. (Note: also being explored is a total ban on cervid possession by private game farms along with additions to the restricted five wildlife list to ban additional species of cervids). Anticipated effective date for emergency rulemaking is June 30, 2002; regular rulemaking is December 2002.	Under the proposed emergency and regular rulemaking, the holder of a private game farm or zoo license will be required to submit the heads of all cervids that die on the licensee's property or in the licensee's control for CWD testing (Note: heads must be submitted within 72 hours of the time of death to the University of Arizona Veterinary Diagnostic Lab for analysis for CWD). This rulemaking also requires permanent marking of all animals on site and annual reports providing information on births, deaths, or other transactions involving captive cervids.	Tested 448 samples from 2002-03 hunting season. NA	NA	No ban at this time.

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations (any depart or in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Deer	CWD Testing Program for Captive Cervids	Baiting Ban	Feeding Ban	Ban on Movement of Cervid Parts
Arkansas Game and Fish regulates imports relating to wildlife, Livestock & Poultry Commission regulates imports relating to livestock. A Memorandum of Agreement between the two agencies delegates final permitting authority to Fish & Game. Contact: Denny Harris, G&F, dharris@gagc.state.ar.us	09/26/02: Total ban on importation of cervids.	Multi-agency task force is working to establish strategic CWD plan for monitoring for and dealing with CWD.	43 Captive elk are in labs awaiting CWD testing. Voluntary program for captive operators to submit all harvested elk for testing. February 03.	No	No	No
California Department of Fish & Game (DFG) has authority over all captive cervids and issues the permits required for possession. Department of Food & Agriculture (DFA) becomes the lead over captive cervids only if a disease outbreak occurs which could impact livestock (TB and brucellosis). Contact: Pam Swift, CDFG, (916) 358-1462, pswift@dfg.ca.gov	09/26/02: Total ban on importation of cervids. No cervids allowed for import that originate from CWD positive states, or have a history of contact with captive elk, or any other potential risk.	No new regulations with regard to CWD are being discussed.	CWD is listed by the CA Department of Food & Agriculture as a reportable disease. CA is in the process of developing a slaughter surveillance program for farmed fallow deer.	CA Code of Regulations, Title 14, Section 251.3, effective 09/01/79: Prohibition against feeding big game mammals.	CA Code of Regulations, Title 14, Section 251.3, effective 09/01/79: Prohibition against taking resident game birds and mammals by the aid of bait.	09/05/02: Emergency Action: Ban on hunter harvested deer and elk meat, may import banded out meat or processed cuts of meat, hides with no heads attached, clean skull plates, antlers with no meat or tissue attached, finished tusk/antler heads, upper canines and carcasses submitted to a certified meat processor within 72 hours and heads submitted to a taxidermist within 72 hours.
Colorado Division of Wildlife (DOW) regulates wildlife imports and has authority over commercially raised mule deer and other cervids within the state. The Department of Agriculture has authority over dealers management and importation of alternative livestock (fallow deer and elk). Authority over possession of alternative livestock is shared. Contact: Kathi Green, CDOW, (303) 291-7275, kathi.green@state.co.us	All cervids must be free of infectious and contagious diseases; must be treated for internal/external parasites within 21 days prior to entry; must be marked with USDA official ear tag, and originate from a bovine TB-free accredited herd. All elk must test negative for evidence of red deer hybridization.	Enrollment in 60 month surveillance program required for importation and interstate movement of captive cervids. Ban movement of captive cervids out of endemic areas or off of quarantine facilities located outside of endemic areas.	Heads of deer and elk collected from hunters in certain Game Management Units over 1,700 tested state wide and over 10,000 tested from endemic areas, have culled and tested over 200 wild deer.	Findings of wildlife illegal results in \$50 fine.	Big Game baiting illegal.	Effective 07/01/02: Only the following carcass parts may be transported out of infected units in NE Colorado or brought into any part of Colorado from infected areas in other states: processed meat (cut & wrapped, commercially or privately); bone-out meat; quarters or portions of meat with no spinal column or head attached; hides without heads attached; clean skull plates (no meat or tissue attached); antlers with no meat or tissue attached; upper canine teeth (buglers); finished taxidermed heads.
Connecticut Department of Environmental Protection and Department of Agriculture	No cervid imports (Previous no deer or elk; negative anaplasmosis/ blue tongue test).	Working on more precise regulations.	NA	NA	NA	NA
Delaware Department of Agriculture. Contact: Ken Reynolds, (302) 739-5295	Delaware only has 2 captive cervid facilities, one red deer farm, and one alba deer farm.	In the early stages of discussing new regulations regarding CWD	In early stages of discussion	No ban.	NA	NA

State Agency with Jurisdiction over Captive Cervids and Contacts	Standard Regulations - (Based on 7 different or in addition to Regulations for Captive Cervids and Wildlife (see listed below))	In Process or Implemented CWD Regulations	CWD Testing Program for Captive Cervids	Baiting Banned	Feeding Banned	Ban on Movement of Animal Parts
<p>Florida</p> <p>Fish & Wildlife Conservation Commission regulates possession of captive cervids, Department of Agriculture & Consumer Services oversees importation and health requirements. Contact: Tim Breault Tim.Breault@wc.state.fl.us (850)488-3831</p>	<p>The FDACS has filed a permanent rule regarding importation and intra-state movement of cervids. This permanent rule prohibits the importation of cervids unless originating from a herd with a FDACS approved CWD surveillance and monitoring program in effect for at least 60 months prior to import. Also requires person importing to obtain prior permission from FDACS State Veterinarian, be in possession of a valid license or permit issued by FWC, and be in compliance with requirements of an approved FDACS Captive Cervidae Herd Health Plan. Intra-state movement also requires prior permission, possession of valid permit or license and compliance in Captive Cervidae Herd Health Plan. Have finalized a plan of surveillance and contingencies if CWD is found in the state.</p>	<p>The Florida Fish and Wildlife Commission adopted an agency rule in January 2003 that makes it illegal to be in violation of the FDACS permanent rule. This companion rule strengthens search and seizure efforts by agency law enforcement officers.</p>	<p>The FDACS Captive Cervid health plan requires the mandatory testing of all captive cervids that die or are otherwise killed if they are older than 18 months of age.</p>	No ban.	No ban.	No ban.
<p>Georgia</p> <p>Department of Agriculture has authority over deer farms, Department of Natural Resources approves deer farm facilities, has joint authority with Department of Agriculture regarding importation of farmed deer if it presents a disease risk to native wildlife, and oversees wildlife exhibitions and wild animal license holders. Contact: Scott Frazier, Special Permit Unit, (770) 761-3044, scott_frazier@mail.dnr.state.ga.us</p>	<p>08/14/02: DNR banned the import of all cervids. Dept of Ag, DNR and SE Cooperative Wildlife Disease Study met 05/29/02, agreed that borders need to be closed to cervid importation. Ag passed legislation (alt. 2/10/03) prohibiting importation of farmed deer and DNR passed regulations prohibiting importation of cervids for wild animal businesses. Location (GPS) of all high fences documented and surveillance measures with participating hunt clubs will start October 2002.</p>	<p>March 2003, DNR will condition all existing permits for possession of cervids to restrict intrastate movement. Will require participation in USDA's CWD program for movement.</p>	<p>5-year wildlife surveillance program began fall 2002. Targeted test 500-600 cervids limited to 6 areas in Georgia considered to be at greatest risk due to proximity of captive cervid facilities that have purchased/imported cervids in the recent past. Testing of clinical cases statewide.</p>	No ban.	No ban, feeding of wildlife is currently allowed.	No ban at this time.
<p>Hawaii</p> <p>Department of Agriculture has authority over import, possession and transfer of all cervids. Department of Land and Natural Resources, Division of Forestry and Wildlife regulates possession of introduced Axis and Black-tailed deer on State lands. Contact: Paul Conry, (808) 587-4176, Paul_J_Conry@exec.state.hi.us</p>	<p>No specific CWD regulations. Forestry & Wildlife will request that DOA revised permit conditions to require CWD testing before import and to ban import from infected areas.</p>	<p>Permits issued on case by case basis. Most likely will not issue entry permits for elk or deer unless they originated from a herd that has been CWD monitored for at least 5 years. Forestry & Wildlife will request that DOA revised permit conditions to require CWD testing before import and to ban import from infected areas.</p>	No.	No ban at this time.	No ban at this time.	No ban at this time.

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations (based on 7/19/02 or in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Banned	Emergency Banned	Emergency Banned	Emergency Banned	Emergency Banned
Idaho State Department of Agriculture/Animal Industries has jurisdiction over domestic cervids, which includes elk, fallow deer and reindeer. Idaho Department of Fish and Game has jurisdiction over importation and possession of all other species of wildlife. Contact: Mark Drew, Wildlife Veterinarian mdrew@api.state.id.us	No mule deer or white-tailed deer imports allowed, can import reindeer, elk and fallow deer. Negative brucella testing for cervids 6 months and older, must have 2 negative tests within 30 days of import. Negative brucella testing must comply with USDA's federal regulations and testing requirements for captive cervids. Elk must test negative for BVD and BSE. Captive cervids must be in a CWD monitoring program for at least 60 months with a CWD free herd status and records of all deaths within last 5 years; cervid must originate from region not known to be endemic with Paratuberculosis (M. tuberculosis complex) . no imports east of 100 meridian; valid health certificate from state of origin; individual identification number; entry permit.	Elk must be in a CWD monitoring program in originating state for at least 60 months with a CWD free herd status and records of all deaths within last 5 years must be provided. No domestic cervids allowed from areas where CWD is endemic. No wild cervids without CWD information from originating state herds.	Department of Agriculture is currently reviewing their Domestic Cervids rules. CWD response plan has been developed with containment measures to be taken if CWD is found in captive or wild cervids.	CWD monitoring has been done on all domestic elk herds through Department of Agriculture. Slaughter surveillance for CWD is required on all cervids over 16 months of age sent to slaughter. All ranch owned cervids over 16 months of age that die for any reason must be submitted for testing. ID has 6 male and white-tailed deer captive facilities that are required to report any death over 18 months of age within 24 hours of death. Agriculture has a CWD certification program.	General and targeted surveillance has been done on over 300 samples taken from hunter kills and road kills since 1997, will increase surveillance for 2002 to include a random sample 350-700 hunter harvested deer as well as target surveillance	Idaho does not allow and has never allowed the baiting of cervids.	Idaho does not have a ban on importation of hunter-harvested cervids. Hunters are cautioned that they should know and comply with regulations in the state in which they will hunt.	Idaho has no ban on the feeding of cervids by private individuals. Idaho Fish and Game (IDFG) has a commission policy of feeding cervids only on an emergency basis in the winter, which they are willing to eliminate. In 2002-2003, both AG and FG are going to try to get legislative action to prohibit deliberate feeding of cervids by private individuals. This is in response to the occurrence of brucellosis in the state, not CWD.	Idaho does not have a ban on the feeding of cervids by private individuals. Idaho Fish and Game (IDFG) has a commission policy of feeding cervids only on an emergency basis in the winter, which they are willing to eliminate. In 2002-2003, both AG and FG are going to try to get legislative action to prohibit deliberate feeding of cervids by private individuals. This is in response to the occurrence of brucellosis in the state, not CWD.
Illinois	The following regulations were superseded by adoption of the emergency rule, but will likely be back in place upon enactment of a permanent rule following the emergency period: Individual identification number; if originating in a state with vesicular stomatitis, CVI must be diagnosed on premises of origin within 30 days and no signs of disease are evident on premises; may not originate from herd under quarantine for any contagious, infectious or communicable disease.	07/20/02: Emergency Rule (17 Ill. Adm. Code 635). 1) Bans importation of hunter harvested deer and elk carcasses into Illinois, except deboned meat, antlers, antlers attached to skull caps (must be clean of brain and muscle tissue), hides, upper canine teeth, and finished taxidermied mounts; 2) restricts importation of five cervids; and 3) bans feeding of wild deer or wildlife in areas where wild deer are present. 4/19/02: Implemented emergency rule (in effect for 150-day period) that 1) prohibits importation of all captive cervids; 2) requires that all cervids changing ownership or moving within state must obtain permit from the Dept. of Agriculture prior to movement; and originate from a herd that is enrolled in a state CWD monitoring program.	Any cervid dying from an unknown cause that has exhibited neurological disorder must be tested for CWD; any cervid exhibiting symptoms of CWD will be destroyed and tested or quarantined until it can be determined if the animal does not have CWD. Two 'voluntary' CWD herd monitoring programs have been established ('Certified Monitored' vs. 'Contained Monitored'). Intra-state movement or sales of cervids will be contingent upon participation in one of the programs.	Emergency Rule (17 Ill. Adm. Code 635.40) Ban on feeding of wild deer and wildlife in areas where wild deer are present. Ban includes food, salt, mineral blocks and other food products, with some exceptions such as squirrel and birds feeders close to homes and incidental feeding within livestock facilities.	Emergency Rule (17 Ill. Adm. Code 635.30) Prohibits the disposal of carcasses into deer and elk carcasses into Illinois with the exception of carcasses attached to skull caps, upper canine teeth, and finished taxidermied mounts. 12/04/02: Hunters may bring in deer and/or elk carcasses if they are brought to a licensed meat processor or licensed taxidermist within 72 hours of entering the state.	07/20/02, effective for 150 days: Emergency Rule (17 Ill. Adm. Code 635.30) Prohibits the disposal of carcasses into deer and elk carcasses into Illinois with the exception of carcasses attached to skull caps, upper canine teeth, and finished taxidermied mounts. 12/04/02: Hunters may bring in deer and/or elk carcasses if they are brought to a licensed meat processor or licensed taxidermist within 72 hours of entering the state.	07/20/02, effective for 150 days: Emergency Rule (17 Ill. Adm. Code 635.30) Prohibits the disposal of carcasses into deer and elk carcasses into Illinois with the exception of carcasses attached to skull caps, upper canine teeth, and finished taxidermied mounts. 12/04/02: Hunters may bring in deer and/or elk carcasses if they are brought to a licensed meat processor or licensed taxidermist within 72 hours of entering the state.	07/20/02, effective for 150 days: Emergency Rule (17 Ill. Adm. Code 635.30) Prohibits the disposal of carcasses into deer and elk carcasses into Illinois with the exception of carcasses attached to skull caps, upper canine teeth, and finished taxidermied mounts. 12/04/02: Hunters may bring in deer and/or elk carcasses if they are brought to a licensed meat processor or licensed taxidermist within 72 hours of entering the state.	07/20/02, effective for 150 days: Emergency Rule (17 Ill. Adm. Code 635.30) Prohibits the disposal of carcasses into deer and elk carcasses into Illinois with the exception of carcasses attached to skull caps, upper canine teeth, and finished taxidermied mounts. 12/04/02: Hunters may bring in deer and/or elk carcasses if they are brought to a licensed meat processor or licensed taxidermist within 72 hours of entering the state.
Indiana	Emergency Rule by Indiana State Board of Animal Health, 04/18/02: Ban on all cervid imports into Indiana. In June, will vote on permanent version of emergency rule which will suspend all cervid imports until May, 2003. (Regulations prior to emergency rule: Entry permits issued on case by case basis for deer & elk after reviewing full medical history and herd's CWD monitoring program; permanent ID number).	Emergency Rule by Indiana State Board of Animal Health, 04/18/02: Ban on all cervid imports into Indiana. Effective through 05/01/03.	Up on death of any animal, the state veterinarian shall be notified and may inspect the carcass and take any tissues or other necessary testing materials.	In 2002, collected 3477 samples from throughout the state.	Baiting banned. Up to \$500 fine and 60 days in jail for violation.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.

State Agency (see Introduction over captive cervids) and Contacts	Standard Regulations (see only 7 different if it doesn't fit into listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Banned	Hunting Banned	Ban on Movement of Animal Parts
Iowa Department of Natural Resources controls captive white-tailed deer, Department of Agriculture has control over elk and other cervids (fallow, sitka, red deer...). Contact: Dale Garner, Date: Garner@dnr.state.ia.us	Permanent Identification number. Captive cervids native to or originating from any county or region under quarantine for bovine tuberculosis are not eligible for import.	Order Modifying Importation Requirements of Cervidae, 12/20/01: No cervid originating from or having been located in area endemic for CWD allowed, no cervid from herd having animal introductions from area considered endemic to CWD during last 5 years, all require entry permit. CVD must state no diagnosis, signs, or epidemiological evidence of CWD in originating herd for year previous to import. All cervids in originating herd must have been there for at least 1 year or have been natural addition, herd must have no evidence or diagnosis of CWD OR cervid must originate from certified or monitored CWD herd.	Proposed 4-month moratorium on deer imports unless from herd certified free of CWD.	In process of implementing mandatory surveillance for elk and captive white-tailed deer, when cervids enter Dept. of Ag. Compiling GIS database with captive cervid facilities, and will determine if any cervids on farm were exposed to CWD before importation, may test wild deer from around these facilities.	Have sampled 150 deer since April 2002, will continue testing road-kill, tested over 3,160 from 2002-03 hunting season.	NA	NA	Ban on the importation of a whole carcass from any cervid taken from any state or province, may only transport boxed-out meat, capes, and antlers attached to clean skull plates from which the brain tissue has been removed.
Kansas Department of Wildlife and Parks	NA	All members of the cervidae family are prohibited entry into Kansas, unless said members are part of a state sponsored certification program that monitors for CWD, including a list of all slaughtered animals of animals that have died because of any other means over 18 months of age. Any import must originate from a herd that has been monitored for CWD for a minimum of four years and has been assigned to the entry level or higher of the State of origin's CWD Certification program. No member of the cervidae family will be allowed entry into Kansas if said animal has originated from a herd that has been declared infected with CWD within the previous five years.	NA	NA	Have performed surveillance since 1997, will test 1000 deer in 2002.	NA	NA	No ban at this time.
Kentucky Dept. Fisheries and Wildlife regulates importation & holding of cervids. Dept. of Ag. is in charge of the health aspect of importing captive cervids & interstate movement. Contact: Jonathan.Day@mail.state.ky.us s. (800) 858-1549 ext. 348	Cannot originate from state with vesicular stomatitis.	11/12/02 Executive Order: Ban importation of any cervid into the state, 6 month ban on the interstate movement of all cervids. Property permitted facilities may move animals out of Kentucky or to approved slaughter facilities but must have DFW escort when doing so. Will review intrastate ban after 6 months.	NA	June 1, 2002 Dept. of F&W and Ag. filed emergency regulations with the following requirements: 1) All facilities in Kentucky must adopt the Model Protocol for CWD Surveillance, and 2) All facilities have to comply with enhanced holding requirements as specified by F&W regulation.	Collected over 2500 samples for CWD testing during 2002. Awaiting results from SCHVDS.	No ban at this time.	No ban at this time.	Recommendations have been made regarding movement of animal parts.
Louisiana Department of Agriculture & Forestry regulates cervids kept for commercial purposes. Department of Wildlife & Fisheries regulates white-tailed deer kept for non-commercial purposes. Contact: Fred Kimmel, LDFW, (225) 765-2355, Kimmel.F@dnr.state.la.us	04/02: Dept. of Agriculture imposed quarantine prohibiting entry of deer and elk into state. 05/06/02: Wildlife & Fisheries Commission Declaration of Emergency: Banned importation of deer and elk into state, also restricted movements within state	05/05/02: Ban importation of deer and elk into state. Have placed a moratorium on the issuance of new game breeder licenses.	NA	Developed regulations requiring any permitted game farm to submit samples from any animal that dies for any reason.	Developed surveillance for hunter killed deer for 2002 hunting season, will test 500 to 1000.	No ban at this time.	No ban at this time.	No ban at this time.

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations (also may be different for N. American Boreal Forest cervids)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Imports	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervids	Baiting Program for Wild Cervids	Banned Baiting	Feeding Banned	Ban on Movement of Animal Parts
<p>Department of Agriculture regulates cervids used for meat production, Department of Inland Fisheries and Wildlife regulates all other imports. Contact: Gary Lavigne, DFW, (207) 941-4777, gerald.lavigne@maine.gov</p>	<p>06/12/02: 6-month embargo on importation of deer and elk. Embargo extended pending promulgation of long-term regulations and contingency plan.</p>	<p>06/12/02: 6-month embargo on importation of deer and elk. See "Standard Regulations"</p>	<p>In process of developing long-term regulations and contingency plan</p>	<p>In process of developing surveillance. Red deer and elk currently being tested at two USDA inspected slaughter facilities. Tested over 100 slaughtered farm raised elk since 2001.</p>	<p>In 2001, tested 300 wild white-tailed deer. Tested 631 harvested deer during 2002.</p>	<p>Deer baiting has been illegal for decades.</p>	<p>Encouraging people to voluntarily phase out feeding as a disease prevention measure.</p>	<p>Using outreach to discourage hunters from importing high-risk tissues from out-of-state hunters.</p>
<p>Department of Natural Resources and Department of Agriculture, Contact: Brian Eyer, DNR, (410) 250-8558, beyer@dnr.state.md.us</p>	<p>No imports allowed except Accredited American Zoological Association facilities. No cervid farming for meat or hides. In process of clarifying regulations to prohibit hunting preserves.</p>	<p>Possession of cervids not permitted except for approximately 20 individuals grandfathered in.</p>	<p>NA - Implemented.</p>	<p>No live animal testing planned; captive cervid owners required to test dead animals for CWD.</p>	<p>Targeted surveillance has been conducted since 1999. Active hunter-harvested deer during 2002 firearm season. Awaiting results.</p>	<p>No ban at this time.</p>	<p>No ban at this time.</p>	<p>No ban at this time.</p>
<p>Division of Fisheries and Wildlife regulates importation and possession, the F&W Board creates and modifies regulations and policies regarding captive cervid imports. Contact: William Woytek, MA DFW, billwoytek@state.ma.us, (508) 782-7270 ext. 121</p>	<p>April 2002: Moratorium on the importation of all cervids. (Previous regulations: No white-tailed deer or elk imports allowed only farmed deer allowed are allowed, elk, reindeer and moose, bison/antelope testing (within 30 days of import) if from endemic area.</p>	<p>April 2002: Moratorium on the importation of all cervids.</p>	<p>Working on a CWD monitoring system, developing long term management strategies and evaluating the efforts of other states.</p>	<p>No active testing program</p>	<p>Randomly tested hunter harvested and road kill deer and will perform targeted surveillance.</p>	<p>Baiting prohibited.</p>	<p>No ban at this time.</p>	<p>No ban at this time.</p>
<p>Department of Agriculture</p>	<p>04/26/02: One year ban on all deer and elk imports. (Previous regulations: USDA alpha numeric tag, must originate from source, must be accredited, must be monitored herd, more extensive to testing required).</p>	<p>The Natural Resources Commission (NRC) has created a 50-mile buffer zone around the state. If CWD is found within 50-miles of any state border, all baiting and feeding activities in the adjacent peninsula will be banned. If CWD is found, the state's CWD Response Team will take action to limit further transmission and eradicate the disease.</p>	<p>Mandatory CWD surveillance; all 16 months of age must be reported to Department of Agriculture and submitted for CWD testing. Have performed traces on all CWD potential risk import animals, and have identified and located all risk imports from Wisconsin which will be purchased and tested for CWD. CWD is a reportable disease and if suspected, must be reported to MDA immediately. Have tested 559 captive cervids.</p>	<p>Have tested 459 hunter-harvested white-tailed deer since 1998. The DNR has issued surveillance for 2002/03 to include over 3800 free-ranging white-tailed deer and 100 elk. Will continue surveillance for the next 2 years to test at least 2,000 free-ranging white-tailed deer and 50 free-ranging elk each year for CWD as well as targeted surveillance.</p>	<p>Hunters are prohibited from using bait for deer hunting in Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego and Presque Isle counties. The use of bait is permitted in the remainder of the state, but the volume of bait is limited to two gallons per day at any one hunting location. This restriction applies statewide. Baiting may occur only from October 1, 2002 through January 1, 2003. The NRC adopted a policy to ban baiting if CWD is found in MI.</p>	<p>Supplemental feeding is banned in the Lower Peninsula of Michigan and in the four counties of the Upper Peninsula (U.P.) the border Wisconsin. Feeding will be banned in the remaining 11 counties of the U.P. by May, 2003. Supplemental feeding is defined as placing larger volumes of feed in locations where deer congregate may at begin before January 7, 2002 and must end by May 15, 2002. The NRC has adopted a policy to ban feeding if CWD is found in Michigan.</p>	<p>Hunters urged to take these precautions. Deer and elk carcasses or carcass parts should never be disposed in the woods or fields. They should be taken to a sanitary landfill, or buried deeply where other animals cannot scavenge or disturb them. Hunters should cooperate with CWD testing programs in the area where they hunt and encouraged to let the province of state wildlife officials test the deer or elk if asked.</p>	<p>Hunters urged to take these precautions. Deer and elk carcasses or carcass parts should never be disposed in the woods or fields. They should be taken to a sanitary landfill, or buried deeply where other animals cannot scavenge or disturb them. Hunters should cooperate with CWD testing programs in the area where they hunt and encouraged to let the province of state wildlife officials test the deer or elk if asked.</p>
<p>Minnesota Board of Animal Health regulates 319 herds of deer, elk and other cervids, the DNR regulates game farms, including 452 with cervids such as deer and elk. Proposed legislation would delegate all authority to the BAH. Contact: Michael DonCarlos, Mike.DonCarlos@dnr.state.mn.us</p>	<p>Effective through June 1, 2003, importation of cervids from CWD infected herds, or CWD endemic areas as defined by the MN Board of Animal Health are prohibited. Cervids from other areas may be imported only if they have been in a herd that has been subject to state or provincial approved CWD monitoring for at least 3 years.</p>	<p>In process of developing an emergency outbreak plan. Proposed legislation would: 1) Delegate regulation authority to the Board of Animal Health, 2) Require all cervid farms to participate in MN's CWD surveillance program, 3) Make permanent the temporary rule on the importation of hunter harvested whole deer or elk carcasses.</p>	<p>Voluntary testing, 227 game farms are enrolled.</p>	<p>DNR has increased CWD targeted surveillance efforts, and released guidelines to field staff for collecting suspect deer. Developing plans for sampling hunter-harvested deer this fall, expect to collect and test up to 5,000 deer this year. Will conduct intensive sampling program around area where CWD captive elk was found by pulling deer and using results to determine extent of further testing.</p>	<p>No baiting allowed.</p>	<p>8/23/02: MN DNR proposed ban on importation of whole carcasses from hunter-harvested deer to take effect next year if approved by the MN Legislature. This ban would include mineral blocks, salt blocks and animal supplements. MN DNR strongly advises against the feeding of deer.</p>	<p>8/23/02: MN DNR proposed ban on importation of whole carcasses from hunter-harvested deer to take effect next year if approved by the MN Legislature. This ban would include mineral blocks, salt blocks and animal supplements. MN DNR strongly advises against the feeding of deer.</p>	<p>8/23/02: MN DNR proposed ban on importation of whole carcasses from hunter-harvested deer to take effect next year if approved by the MN Legislature. This ban would include mineral blocks, salt blocks and animal supplements. MN DNR strongly advises against the feeding of deer.</p>

State Agency (with jurisdiction over Cervidae) and any 7 different or 2 additional (House Bill 2003)	Standard Regulations (Based on 7 different or 2 additional (House Bill 2003))	Chronic Wasting Disease (CWD) Regulations for Cervidae and Wildlife	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervidae	CWD Testing Program for Wildlife	Baiting Banned	Feeding Banned	Bar on Movement of Animal Parts
Mississippi Wildlife, Fisheries & Parks has jurisdiction over white-tailed deer, Department of Agriculture has jurisdiction over exotics	No importation of white-tailed deer, permanent identification number.	WFP and Department of Ag. met on June 3, 2002 and implemented a ban on the importation of all cervids for 120 days. No imports from geographic regions where CWD is endemic or diagnosed. Exporting herd must have participated in CWD monitoring program approved by Mississippi state veterinarian for at least 12 months or furnish documentation of the import cervid since birth.	02/17/03: Legislation enacted by Senate, awaiting approval by House would make permanent the ban on white-tailed deer imports enacted earlier this year and place restrictions on elk, mule deer and other cervids. This bill would also authorize intensive testing of dead animals on private and public lands.	Very few captive cervid facilities.	Annual health checks are performed on wild cervids, minimal CWD testing. Plan to test 1000 deer during 2002-03 hunting season and perform targeted surveillance.	It is illegal to hunt or trap any wild animal or wild bird with the aid of bait.	No ban.	No ban.
Missouri Dept. of Agriculture regulates elk meeting the "livestock" definition. Department of Conservation regulates elk, mule deer, and white-tailed deer in hunting preserves and breeding facilities. Contact Erik Kurejski, kureje@mail.conserva.state.mo.us, (573) 862-9880 ext. 3258. Dave Erickson, erickd@mail.conserva.state.mo.us, (573) 751-4115 ext. 3142.	See CWD Regulations	1) Required entry permit (DOA) for all cervids imported (11/2001); 2) No cervids from endemic areas or cervids that have been in endemic areas within last 5 years may be imported (11/2001); 3) All elk, mule deer and white-tailed deer imported into MO shall come from herd enrolled in and achieving status 3 or higher in USDA approved or state sponsored CWD monitoring program (10/2002); 4) All elk, mule deer and white-tailed deer transported interstate shall come from herd enrolled in USDA approved or state sponsored CWD monitoring program (3/2003) applies to breeder operations and hunting preserves, does not apply to elk currently meeting "livestock" definition; 5) Effective January 1 of each year, 100% of all elk, elk-hybrids, mule deer, and white-tailed deer over 12 months of age that die of any cause within a hunting preserve or breeding operation shall be tested for CWD, up to an annual total of 10 animals in the aggregate, except: A) Hunting preserves and breeding operations that have not introduced, during the past 3 years, any elk, elk-hybrids, mule deer, or white-tailed deer.	See CWD Regulations	Voluntary monitoring program developed and implemented in 2002 for captive industry.	Random testing done during 2001 hunting season; plan to test 6000 during the 2002 hunting season.	NA	NA	No ban, encourage hunters to import only boned out meat and clean skull plates.
Montana Fish, Wildlife & Parks has jurisdiction and over licensing, reports, record keeping and exterior fencing, classification, unlawful capture, inspection and enforcement. Department of Livestock has authority over marketing, inspection, transport, importation, quarantine, hold orders, interior facilities, health and enforcement. Contact Tim Reider, reider@state.mt.us.	Must be importing to game farm with approved quarantine facility; official ID tag, trace back capabilities; no red, axis, rusa, sambar, elk or roe deer imports; white-tailed deer must originate west of the 100th meridian and be certified free of meningeal worm parasites and dorsal spine larvae; elk must be free of red deer genes; cervidae must be TB and Para TB free. Not licensing new captive facilities, no shooting of captive animals or transfer of existing licenses allowed.	Cervid must originate from a herd that has participated in an approved mandatory surveillance CWD program for at least 60 months prior to import; no cervidae have been added to exporting herd within last 60 months from a herd of lesser CWD status; if exporting state has any confirmed CWD, must have completed an epidemiological investigation and identified all CWD affected, exposed, or trace herds.	NA	Game Farm Regulation 32.4.1301, Sub-Chapter 13: Requires annual whole herd inspection, ID verification and inventory, must report all animal deaths within 1 working day of discovery and request inspection with CWD samples submitted for testing; test eligible age is 16 months and older; have tested almost 1800 animals.	Have done state wide sampling since 1998, tested over 1700 animals, also test deer or elk displaying clinical symptoms.	No baiting allowed.	No feeding allowed.	Will likely follow lead presented at IAFWA meeting in September regarding movement of animal parts.
Nebraska Department of Agriculture	Transport prohibited if exposed, infected, or suspected to have an infectious, contagious or transmissible disease; identification number required; cannot be moved through more than one concentration point in 90 days. Cervids cannot be moved out of endemic counties into non-endemic counties or out of state.	CVI for elk or mule deer must verify: 1) the herd of origin has had no diagnosis or epidemiological evidence of CWD for the past 5 years; or 2) The herd has been enrolled 5 or more years in a state approved CWD herd monitoring program and current status has been recorded on CVI.	NA	All captive cervids 16 months or older that die from illness, slaughter, hunting or any other cause shall be reported within 24 hours and submitted for CWD testing.	Since 1997, have checked 2,491 hunter harvested deer and 131 hunter harvested elk. Have tested 406 agency harvested deer and 42 agency exhibiting clinical signs. Will collect statistically valid sample around any positive cervid facility. In the process of developing region wide plans for deer and elk to address a reduction of CWD occurrence.	Illegal to hunt within 200 yards of an area that has been baited in the last 60 days. Baiting is legal, but hunting over bait is not legal.	Not banned at this time, but it is illegal to hunt over food.	NA

Chronic Wasting Disease and Cervidae Regulations by State, in the United States

State Agency (with jurisdiction over captive cervids) and Contacts		Standard Regulations (refer to Appendix F in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Existing Bans	Feeding Bans	Ban on Movement of Animal Parts
Nevada	State veterinarian has regulatory authority to restrict game farms. Contact: Kelly Clark kclark@ndow.state.nv.us	Only elk from a CWD monitored herd with no incidence of the disease in the past 5 years will be allowed import permits. If state is under quarantine, special provisions apply.	Sept. 12, 2002: There are no CWD or CWD related regulations.	No elk ranches exist in the state. Elk ranching is not allowed.	328 hunter harvested deer and elk have been tested the past 2 years. Will collect 500 samples of each species in fall 2002.	NA	NA	NA	NA
New Hampshire	Department of Agriculture and Department of Fish & Game. Contact: Kent Gustafson, DFG, kfgustafson@WILDLIFE.STATE.NH.US	Importation of live cervids prohibited.	Department of Ag and Dept. of Fish & Game continue to assess needs. Fish & Game Dept. working to insure statutory authority to promulgate rules relative to CWD and wildlife disease is in place.	Voluntary through Dept. of Agriculture	Monitoring & surveillance of up to 400 wild deer annually via hunter kills began 2002.	No ban at this time.	No ban, encouraging people not to feed deer.	No ban.	No ban.
New Jersey	Division of Wildlife. Doug Roscoe, roscoe@dcj.state.nj.net	04/15/02: Ban on all imports and exports of any member of the cervid family.	No new regulations with regard to CWD are being discussed.	Developing surveillance for captive cervids.	1997-98 conducted survey using heads from 508 hunter-killed and road-killed deer. Survey will be repeated with captive cervids included.	No ban.	No ban, discourage supplemental feeding.	NA	NA
New Mexico	Department of Fish & Game, Contact for special permits: Tina Gunde, Law Enforcement Dx: (505) 476-8064 TSGunde@state.nm.us, Kerry Mower, kmower@state.nm.us	08/18/02: Animal Health Emergency. New Mexico has implemented a worldwide ban on all cervid imports. This ban includes cervid importation from any state within the United States. (Previous regulations: Permanently and uniquely tattooed in at least one ear and lagged with USDA metal ear tag; test negative for John's disease).	Action plan for active surveillance combining toll biopsies and lethal collection on White Sands Missile Base and Organ Mills where a single CWD positive male deer was identified on 08/17/02. Passed regulations prohibiting movement of all rule deer parts from Unit 19, which includes this region, except bonded meat, hide, and deerskin skull caps. Each hunter in Unit 19 required to check in and out of area, and report any harvest. 21 hunters harvested 7 deer in Jan 03.	Surveillance programs offering certification available to elk producer for complete monitoring of breeding facilities and selective monitoring for large hunting facilities. Both programs voluntary.	Fourth year of testing will be complete in June 2003 with 700 samples expected. Surveillance includes hunter killed and target deer and elk. Incentives to hunters to submit heads within 48 hours of harvesting will be awarded through lottery.	per Subsection I of 19.31.10 NMAC Hunting and Fishing - Manner and Method of Taking, Use of Bait or Scents: It shall be unlawful for anyone to take or attempt to take any protected species by use of bait or scents as defined in Subsection P of 19.31.7 NMAC. Scent masking agents on one's person are allowed. (This regulation is in reference to animals in the wild and not in Class "A" Game Parks). Per Subsection D, of 19.03.2 NMAC Depredation Assistance Causing a Nuisance Game Animal Problem: It shall be unlawful for any person, by intention or through negligence, to cause a nuisance game animal problem by baiting, or otherwise enticing game animals to an area, and such persons, if convicted, may be punished under 17-2-10 NMSA 1978.	NA	Only bonded meat, cleaned and sanitized skull caps, hides, and hooties can be removed from any game management unit in which CWD has been confirmed. Carcasses must be discarded in the field.	Emergency Action 01/09/03: Prohibits the importation or possession of brain, eyes, spinal cord, lymph nodes, tonsils, or spleen and carcasses (except for bonded, cut up, packaged and wrapped meat not commingled with that of another animal, hide or cape, skull cap with antler attached, antlers, finished taxidermy mounts, tanned hides and upper canine teeth provided that any of above must be labeled with species, origin of animal, name and address of person who took or person who is shipping animal and destination of animal and destination of animal from the Genus Cervus and Genus Odocoileus taken from or originating in Colorado, Wyoming, South Dakota, Wisconsin, Minnesota, New Mexico, Nebraska, Kansas, Oklahoma, Montana, Illinois or the Canadian provinces of the Saskatchewan or Alberta.
New York	Department of Environmental Conservation regulates importation & possession of white-tailed deer wild elk and issues licenses for possession. Department of Agriculture & Markets regulates importation of all booted stock with regards to disease testing, animal health inspection and regulates health inspectors Deer & Elk Farm Industry. Contact: Patrick Martin, pmartin@agw.dec.state.ny.us, (518) 402-5895	Emergency Action, Part 189.01/09/03, effective for 90 days: Prohibits 1) Importation of wild or captive animals of Genus Cervus or Odocoileus, except for zoological or exhibition purposes; 2) feeding of wild white-tailed deer; 3) feeding of wild or captive deer or elk with any material containing protein derived from mammalian parts; 4) importation or possession of carcasses and certain body parts of wild animals from Genus Cervus and Odocoileus taken from or originating in CWD states; 5) importation of carcasses or parts of captive bred animals obtained outside New York; 6) liberation of any captive, captive-bred or wild animals of Genus Cervus and Odocoileus except with white-tailed deer held in temporary captivity or with license or permit issued by Department.	Departments of Environmental Conservation and Agriculture & Markets are taking steps to make the current CWD emergency regulations AND to promulgate new regulations for monitoring, surveillance, and herd certification program for all captive deer and elk held on Deer and Elk Farms. NYSDC will begin the process to promulgate a permanent CWD regulation in January 2003. Proposed regulation would modify ban on hunter harvested animal parts to include all states and would make permanent current prohibition on feeding.	Departments of Environmental Conservation and Agriculture & Markets are in the process of developing new regulations for monitoring, surveillance and herd certification program for all captive deer and elk held on Deer and Elk Farms. Agriculture and Markets proposed CWD regulations will include CWD testing for all captive herds enrolled in the certification program; testing of clinical animals is on-going on some deer and elk farms at the time.	In 2002 NYSDC sampled 950 wild deer statewide - 800 samples were "non-detect" and 150 pending at NYSL. In 2003, a CWD testing plan will be submitted to USDA that calls for approximately 800 samples from wild deer statewide with sample distribution based on deer density at the county level. In addition, animals exhibiting clinical signs will be submitted for CWD testing.	Emergency Action 10/11/02: Prohibits the feeding of wild white-tailed deer except for scientific research, mitigation of wildlife damage or nuisance problems, wildlife population reduction programs and normal agriculture planting and the feeding of wild or captive deer or elk with any material containing protein derived from mammalian parts.	Emergency Action 10/09/03: Prohibits the importation or possession of brain, eyes, spinal cord, lymph nodes, tonsils, or spleen and carcasses (except for bonded, cut up, packaged and wrapped meat not commingled with that of another animal, hide or cape, skull cap with antler attached, antlers, finished taxidermy mounts, tanned hides and upper canine teeth provided that any of above must be labeled with species, origin of animal, name and address of person who took or person who is shipping animal and destination of animal and destination of animal from the Genus Cervus and Genus Odocoileus taken from or originating in Colorado, Wyoming, South Dakota, Wisconsin, Minnesota, New Mexico, Nebraska, Kansas, Oklahoma, Montana, Illinois or the Canadian provinces of the Saskatchewan or Alberta.		

State Agency (with jurisdiction over captive cervids) and Contacts		Standard Regulations* (Based on 7 CFR 17.12 and 17.13, and 17.14)		Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife		In Process of Implementing CWD Regulations		CWD Testing Program for Captive Cervids		CWD Testing Program for Wildlife		Being Banned		Feeding Banned		Ban on Movement of Animal Parts	
North Carolina	Wildlife Resources Commission requires importation permit, possession license and regulates facilities, sanitation, care, etc. The Department of Agriculture requires import permit authorized by the State Veterinarian, CVI and testing. Contact: Evin Stanford, NCWRC, (252) 940-0218, stanlove@coastalnet.com	Ban on the importation of live animals from the family Cervidae into the state and ban on transportation of these animals within the state. Temporary Rule effective May 17, 2002, amended October 04, 2002.	Ban on the importation of live animals from the family Cervidae into the state and ban on transportation of these animals within the state. Temporary Rule effective May 17, 2002, amended October 04, 2002.	Yes		Testing of all dead captive cervids six months of age or older, and testing of all cervids displaying symptoms characteristic of the disease.	Active surveillance program implemented to test free-ranging deer. Testing of animals that display symptoms characteristic of the disease.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.
	Board of Animal Health; Contact Dr. Larry Schuler, Jacquie Gerads, NDG&F, jgerads@state.nd.us, (701) 328-6613	Captive cervids must meet standards of risk assessment and/or have health certificate. Elk must be free of all contagious and infectious diseases; genetic testing required in zones 1 & 2 in ND; animal not infected with or exposed to John's disease.	Must complete CWD 5-Year Risk Assessment Questionnaire and fax to Board of Animal Health prior to entry permit issuance; cervids and originating herds must have no history of encephalitis, depression, excessive salivation or thirst, or neurological disease. If symptoms arise, diagnostic measures must be taken to rule out a TSE.			Board of Animal Health has mandatory inventory (since 1993) and require testing (since 1998) of farmed elk, white-tailed deer and mule deer over 12 months of age that die for any reason.	Game & Fish Department has conducted Target Surveillance of free-ranging cervids since 1996. Hunter-harvested deer and elk surveillance began in 2002.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	No, but the issue is being discussed.	10/15/02 Executive order: Prohibits the importation of whole elk and deer carcasses from specific areas within states or provinces with documented cases of CWD. Authority to restrict importation and disposition of carcass or carcass parts is being sought in the legislative session (2003).	Prohibits the importation of whole elk and deer carcasses from specific areas within states or provinces with documented cases of CWD. Authority to restrict importation and disposition of carcass or carcass parts is being sought in the legislative session (2003).
Ohio	Department of Agriculture	Must be free of symptoms of CWD. No importations from quarantine premises or area.	05/06/02: Banned importation of all cervids from Wisconsin. Ohio Administrative Code 1501.1-17-01: Must be free of symptoms. If tested negative but exposed to disease, might be allowed entry. No importation from quarantined premises or area.	In process of legislation requiring all cervid imports be from CWD accredited herds and implementing emergency rule on the importation of cervids from areas where CWD has been diagnosed.		In process of developing monitoring program.	Tested 650 deer from 2002 hunting season deer gun TB survey, will conduct targeted surveillance.	No ban at this time.	No ban at this time.	No ban at this time.	NA	NA	NA	NA	NA	NA	NA
Oklahoma	Department of Wildlife Conservation and Department of Agriculture. Contact: Mike Shaw, mshaw@okstate.ok.us	Must originate from a premises where tuberculosis and brucellosis have not been diagnosed in the last 12 months; permanent identification number.	05/21/02: Department of Agriculture suspended import of cervids from all states and provinces where CWD has been identified in free-ranging cervid populations. Additionally, all other cervid imports require the source herd to participate in a state and federal CWD monitoring program as of Jan. 1, 2001. 63002: Department of Wildlife Conservation passed rules which coincide with rules of Dept. of Ag.	NA		Voluntary surveillance in participating herds requires testing all captive cervids over 16 months that die, perimeter fencing prevent ingress/egress of cervids, annual herd inventory by an accredited veterinarian, designation of herd status, herd additions allowed from herd of equal or greater status, each animal shall have a minimum of 2 approved unique identifiers.	353 hunter-harvested animals have been tested since 1999, including 376 white-tailed deer, 8 mule deer and 9 elk. Collected 1,000 samples as part of 2002 routine surveillance.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	No ban at this time.	Have discussed banning of importation of hunter-harvested animals, but no decision has yet been made.	Have discussed banning of importation of hunter-harvested animals, but no decision has yet been made.

Chronic Wasting Disease and Cervidae Regulations by State, in the United States

MI Department of Natural Resources

03/18/2003

Appendix F

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations (and only if different & in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Banned	Feeding Banned	Ban on Movement of Animal Parts
Oregon Hide and antler permits - Oregon Department of Fish and Wildlife. Requirements for Disease Testing, Reindeer Import Permit and quarantine Enforcement: Oregon Department of Agriculture. Contact: Ron Anglin, ronald.e.anglin@STATE.OREGON.S	11/08/02: Made permanent previous ban from 08/09/02: Oregon Fish & Wildlife Commission issued emergency order banning the importation of live cervids (except reindeer or imports for research). This ban is in effect through August 2004. Requires detailed herd history and elk negative for red-deer hybridization, will only import fallow deer, reindeer and elk. May not import if animal has ever been in or is from Manitoba or any Canadian province east of Manitoba, Minnesota, Iowa, Missouri, Oklahoma or Texas.) Any cervids may be exported out of the state.	NA	NA	NA	In 2001, conducted surveillance of 99 hunter harvested animals, have conducted targeted surveillance since to test between 500 and 1500 samples during the 2002 hunting season.	No ban at this time.	No ban at this time.	For deer, elk, antelope, moose, fallow deer, reindeer, sika deer, bighorn sheep or Rocky Mountain goat: Except for the following parts, importation of a cervid carcass or parts of a cervid carcass is prohibited: a. cut and wrapped meat; b. boned-out meat; c. quarters or other cuts of meat with no part of the spinal column or head; d. hides with no head attached; e. clean skull plate with antlers attached; f. antlers with no tissue attached; g. upper canine teeth (buglers, whistlers, hories); h. finished taxidermy heads. Persons possessing cervids harvested from other states or Canadian provinces must meet the importation restrictions.
Pennsylvania Game Commission, Department of Agriculture. Contact: Robert Boyd, PA Game Commission, rboyd@state.pa.us	08/01/02: Ban on the importation of any live member of the Cervidae family, will be reviewed annually. (Previous regulations: Cervids must originate from a state where CWD is not known to exist, and the animal may not originate or have resided at anytime in a state in which CWD is known to exist. Cervid must be from a farm/herd enrolled in a state approved CWD monitoring program for at least 5 years).	The Game Commission has been negotiating with the Department of Agriculture and the Governor's Office to obtain a complete ban on importation. New legislation pending will allow imports with the following stipulations: cervids imported from any state or province where CWD has been detected must be enrolled in a monitoring program for at least 5 years, if not from an area where CWD has been detected, then must be enrolled in monitoring program at least 3 years. Imports must also be accompanied by an application to import received by the commission at least 10 days before import and returned to the applicant prior to importing, and a certificate of veterinary inspection.	Test all captive cervids over 16 months that die (including slaughter), require perimeter fencing preventing ingress/egress of cervids, annual herd inventory, designation of herd status, must report herd additions.	Have conducted targeted surveillance since 1998. In 2001, tested all hunter harvested elk for CWD. In 2002, plan to test all hunter killed elk and a random sample of deer from the rifle season.	Baiting banned. \$200 fine.	Feeding of elk banned since 1995, \$100 fine. Considering banning the feeding of deer, but no action has yet been taken.	Considering a ban on the importation of hunter-harvested animal parts.	
Rhode Island Department of Environmental Management, Division of Agriculture. Contact: Lori Gibson, lgibson@hindspring.com	12/30/02: Emergency regulation: Prohibit importation of all captive and wild cervids from CWD endemic areas, & captives from a CWD free status herd (5+ years) herd (replaces previous moratorium). (Previous regulations: Require proof that there is no current or past history of contact with or exposure to any potential CWD animals or states affected by CWD.)	Plan to incorporate CWD permanently into regulations as soon as possible.	Test all captive cervids over 16 months that die (including slaughter), require perimeter fencing preventing ingress/egress of cervids, annual herd inventory, designation of herd status, must report herd additions.	Initiate surveillance fall 2002.	Baiting prohibited.	No person shall feed cervids at anytime unless part of a bona fide research within enclosed pen, bona fide agricultural practices, wildlife food plots, brush cutting or bird feeding from elevated feeders within 100 feet of dwelling.	No person shall import or possess brain, eyes, spinal cord, lymph nodes, tonsils or spleen of any cervid from a CWD endemic area or from a captive herd.	
South Carolina Department of Natural Resources has ultimate control over importation and possession of captive cervids. Clemson University, Livestock and Poultry Health also provides permit if and only if the DNR has previously permitted importation of the cervid. Contact: Dorell Shipe, dshipe@dnr.state.sc.us, (803) 734-3838	Other than an occasional permit for temporary exhibition (e.g. reindeer at Christmas shows) and one dated permit for a small number of privately held fallow deer, importation of cervids has not been permitted (SC Code Section 50-11-1920). As of May 2002, no more permits for temporary exhibition.	NA	NA	Since 1998 have participated in CWD surveillance with SCOWDS.	Hunting over bait has been historically prohibited in 18 of 46 SC counties by the SCODNR, but is not prohibited in the remaining 28 counties. SCODNR has no authority over the baiting issue in the Coastal Plain and the SC General Assembly has never addressed the issue, therefore bait is used at a very high level.	No. There is no statutory authority for the SCODNR to prohibit the feeding of hunter harvested parts if the need arose.		

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations* (Based on 7 criteria or in addition to those listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Allowed	Feeding Banned	Ban on Movement of Animal Parts
South Dakota Animal Industry Board, Contact: Ron Fowler, Ron.Fowler@sdsd.us	Negative avian serologicologic test (within 30 days of import), individual identification number, must complete Elk Herd Demographics and Risk Assessment form.	Must originate from a herd in which all cervids have been kept for at least one year or into which they were born. No exposure to or additions from any other source in the past year. No diagnosis, signs or epidemiological evidence of CWD in this herd for the past year. Will be allowed if originating from a herd determined to have a certified CWD cervid herd status by the Animal Health Official of South Dakota. Documentation must also state that no animal in the herd has originated from, or ever been a member of a herd where CWD has been diagnosed, or have been a member of a CWD trace-back or trace-forward herd by an epidemiological investigation in the past 5 years.	No new regulations are being discussed.	Monitor occurrence and distribution of CWD, captive cervid farms are required to keep inventory and report any additional, disappearances or illnesses which may be submitted for diagnosis.	From 1997 to June 2002, 1633 non-target cervids (536 elk, 725 mule deer and 432 white-tailed deer) tested with one hunter-killed white-tailed deer in 2001 testing positive. During the fall and winter of 2002-03, tests are being conducted on 1550 cervids (307 elk, 522 mule deer and 821 white-tailed deer). Of the 1550 cervids tested, 6 white-tailed deer and 3 mule deer were found CWD positive. Additionally, a target-rich elk in Wind Cave National Park tested positive. Employees for sampling and testing has been on deer and elk in areas of previous CWD captive elk sites and in proximity to Nebraska and Wyoming endemic areas. Targeted healthy animals collected for evaluation.	Hunters may not use salt blocks or licks or bait station to attract big game. "Bait station" is a place where edible foodstuffs or minerals are placed or maintained as an attractant to game animals. Use of scent alone does not constitute a bait station.	No ban at this time.
Tennessee Department of Agriculture, Contact: Larry Morcutt@state.tn.us	No cervids from geographic areas where CWD diagnosed; CVD must state importing cervid originates from herd in CWD surveillance program since Jan. 1, 2000.	Emergency Rule: Ban importation of cervids from geographic areas where CWD diagnosed; risk assessment based on proximity of cervid to positive CWD geographic areas; CVD must state importing cervid originates from herd in CWD surveillance program since Jan. 1, 2000, herd diagnosed with CWD, nor identified as a CWD trace-back or trace-forward herd, any additions to herd must originate from a herd that has participated in a CWD surveillance program for at least 18 months.	NA	Surveillance performed on a voluntary basis. A proposed rule by State Wildlife Agency would mandate surveillance for herds used in shooting preserve operations, even if obtained from in-state sources.	Testing done on animals displaying symptoms of CWD. Approximately 2,000 hunter-killed samples tested in 2002. Plan to increase surveillance in 2003 to meet statistical sampling schemes.	No baiting allowed.	No ban at this time.
Texas Animal Health Commission and Wildlife Commission, Contact: Doug Humphreys Doug.Humphreys@pwd.state.tx.us	11/07/02: Deer imported from other states must be enrolled in an official CWD monitoring program for at least 3 years. Imports from states with CWD must be enrolled in an official monitoring program for at least 5 years. For interstate movement must be issued a Triple T permit (Trap, Transport and Transplant) which requires that applicants test 10% of the deer to be trapped and that 10-40 deer must be trapped before a permit will be issued. All captive cervids must have a permanently tattooed identification number.	11/07/02: Deer imported from other states must be enrolled in an official CWD monitoring program for at least 3 years. Imports from states with CWD must be enrolled in an official monitoring program for at least 5 years. For interstate movement must be issued a Triple T permit (Trap, Transport and Transplant) which requires that applicants test 10% of the deer to be trapped and that 10-40 deer must be trapped before a permit will be issued. All captive cervids must have a permanently tattooed identification number.	NA	Voluntary surveillance since 1999 in participating herds requires submission of samples from all cases of mortality in animals over 16 months of age; working with breeders to establish a voluntary monitoring program to test for CWD in private facilities.	July 2002, began testing deer showing possible CWD symptoms, and drafting a plan for field employees to look for deer exhibiting symptoms of CWD. Fall 2002 will test hunter-harvested deer from wildlife management areas and state parks.	No ban at this time.	No ban at this time.
Utah Utah Division of Wildlife Resources	CVD must state that cervid is not infected with Jernine's, CWD or any other contagious fever and may have never been kept in the 100 degree meridian. Must have all internal and external parasites treated.	Must originate from state or province that requires all suspected/confirmed cases of CWD to be reported, state must have authority to quarantine. Elk must originate from states with implemented program for surveillance, control and eradication of CWD in domestic elk. No elk from herd, trace-back herd or adjacent herd diagnosed with CWD or elk exposed to or positive for CWD allowed for import.	NA	Mandatory cervid farm testing, must report any suspect or finding of CWD and must submit any elk over 16 months of age that dies for any reason for testing, captive hunting facilities must submit samples from 50% of all elk that are killed, slaughtered or destroyed.	Began wildlife surveillance in 1998, tested 781 deer and elk 98-99, now has program targeting deer and elk exhibiting symptoms of CWD. Increased surveillance for 2002 due to discovery of CWD in western Colorado, tested approximately 1500 deer and elk.	NA	09/17/02: Ban on importation of hunter harvested animal parts from areas where CWD has been found. May import meat that is cut and wrapped, meat with no part of the head or spinal column attached, boned out meat, hides with no heads attached, skull plates with antlers attached and free of meat and tissue, upper canine teeth and finished taxidermy heads.

State Agency with Jurisdiction over captive cervids and their contacts		Standard Regulations (Based on 2 different levels of risk to those listed below)		Chronic Wasting Diseases (CWD) Regulations for Captive Cervids and Wildlife		In Process of Implementing CWD Regulations		CWD Testing Program for Captive Cervids		CWD Testing Program for Wildlife		Baiting Program		Feeding Ban/Feed		Ban on Movement of Animal Parts	
Vermont	Department of Agriculture, Food & Markets and Fisheries & Wildlife Department. Contact: Tom Decker, tom.decker@agr.state.vt.us	05/02/02: Department of Agriculture, Food and Markets & Fish & Wildlife Department jointly agreed to stop the authorization of import permit for cervids indefinitely, will review every 5 months. (Previous regulations: Also test negative for scrapie, also test negative for vesicular stomatitis exposure. Reindeer and red deer must be free of nematodes of subfamily Elaphostomylinae at the time of importation).	05/02/02: Department of Agriculture, Food and Markets & Fish & Wildlife Department have jointly agreed to stop the authorization of import permit for cervids indefinitely, will review every 5 months.	Yes	Will strongly encourage captive cervid facilities to perform CWD testing.	In 2002 began testing hunter harvested cervids and performing targeted surveillance. Collected 250 samples from the fall harvest in 2002.	In 2003 will examine deer baiting restrictions. Currently only salt is banned as a bait.	In 2003 will examine deer feeding restrictions. Public feeding discouraged. Strongly advise public against supplemental feeding.	09/21/02: It is illegal to import or possess deer or elk, or parts of deer or elk from Canadian provinces and states that have had CWD or from captive cervid facilities except for meat that is cut up, packaged and labeled with listing license information and not mixed with other deer or elk during processing, meat that is boneless, ribs or capes with no parts of the heads attached, clean skull-cap with antlers attached, antlers with no other meat or tissue attached, finished taxidermy heads, upper canine teeth with no tissue attached.								
Virginia	Virginia Department of Game & Inland Fisheries (VDGIF) has the authority on importation with VA Dept. of Ag and Consumer Services (VDACS) requiring the health certificates VDGIF (804)387-0904 Bob Ellis bellis@dpi.state.va.us	Deer farming (fallow deer only) is allowed by VDGIF permit. A moratorium on new permits has been in effect since the mid-1990's. Currently 4 active fallow deer farms exist. No other cervids may be farmed in Virginia. Cervids may only be held in captivity by VDGIF permitted exhibitors or by USDA permitted exhibitors, dealers, or breeders. Required to have proper health certificates form 1 the originating state and may be required to have special testing for TB and Brucella by VDACS.	Ban on importation of cervids into Virginia and prohibition of the interstate movement of cervids unless permitted by the VDGIF (implemented 11/24/02). Also developed permit conditions for cervids in captivity.	NA	Requires VDGIF notification and VDACS disease testing within 48 hours of all cervid deaths in exhibitor facilities and fallow deer farms.	Active surveillance of 1100 hunter harvested animals and targeted surveillance of suspected animals showing clinical signs of CWD.	May not bait for the purpose of taking an animal.	Ban on feeding only on national forest lands and department owned lands.	No								
Washington	Department of Fish & Wildlife oversees wild animal health issues; Department of Agriculture oversees domestic animal health issues	In 1993 captive cervid farms were prohibited. No additional imports to these farms are allowed. No deer or elk may be imported, only fallow deer and reindeer. Permanent identification number, origin of shipment, Elaphostomylinae test - meningoal and muscle worm. Special cervid testing if from west of "line" from South Dakota to Texas.	NA	DOA is in the process of implementing a ban on the importation of cervids (only fallow deer and reindeer allowed) from areas diagnosed with CWD.	Veterinarian must report any signs of CWD by the next working day; farm owners must do monthly reporting when required by veterinarian, any cervid deaths must be submitted for CWD testing	Fish and Wildlife has conducted targeted surveillance sampling since 1995 from wild cervids exhibiting symptoms. In 2000, expanded surveillance to include locker room checks of meat processors handling wild game. Substantially increased statewide random surveillance for 2001 hunting season, collected 785 samples from deer and elk combined. Collected over 1,000 samples from deer and elk in 2003. To date, no detections of the disease.	No ban, baiting is legal.	Public feeding is discouraged. Some feeding done by the state.	Recommending meat from endemic states be processed in the endemic area.								
West Virginia	Department of Natural Resources is responsible for native captive cervids and Department of Agriculture regulates all other captive cervids. Contact: Jim Crum, jcrum@dnr.state.wv.us, (304) 637-0245	Cervid must originate from TB Accredited herd; must complete application for importation; may not originate from any state diagnosed with CWD or TB.	The DNR prohibits the importation of cervids from any state diagnosed with CWD; the DOA prohibits the importation of any cervid from a county or adjoining county diagnosed with CWD.	In process of increasing CWD regulations.	None	Passive targeted surveillance; In 2001 tested 50 wild cervids, 32 of which were wild white-tailed deer illegally held in captivity.	Ban on baiting in legislative process, if approved will become law 07/03.	Ban on feeding in legislative process, if approved will become law 07/03.	No ban at this time.								

State Agency (with jurisdiction over captive cervids) and Contacts	Standard Regulations* (based on comments in appendix B, rows listed below)	Chronic Wasting Disease (CWD) Regulations for Captive Cervids and Wildlife	In Process of Implementing CWD Regulations	CWD Testing Program for Captive Cervids	CWD Testing Program for Wildlife	Baiting Banned	Feeding Banned	San On Movement of Animal Parts
Wisconsin Department of Agriculture, Trade and Consumer Protection regulates importation of all cervids and regions farmed non-native cervids. The Department of Natural Resources licenses white-tailed deer farms. Shelby Molina, us, (608) 224-4873	NA	Embargo on cervids from any state where CWD has been found, no imports of elk or deer unless they come from herds that have been monitored and free of CWD for at least 5 years.	Proposed rules before legislature in Jan 2003 would 1) Ban imports of wild or domestic deer and elk unless from herd in state approved CWD monitoring program for 5 years; 2) prohibit transport of live deer or elk from in state farms unless enrolled in Wt monitoring program; 3) all farms raised deer or elk over 16 months of age shipped to slaughter or dying; 4) owner must report every escape of a captive deer within 48 hours and any signs of CWD to a veterinarian within 24 hours.	Mandatory enrollment of all herds shipping live animals requires official ID, inventory, reporting of transactions, sampling of all mortalities of animals 16 months or older. Mandatory testing on all other carcasses of cervids 16 months and older if any part of the carcass leaves the farm.	Have tested over 1000 wild deer since 1999, plan to expand secondary testing of hunter harvested animals, will call all deer in the production zone and reduce the deer population in adjacent management units to 50% of overwinter goals. Since 2002, 15,377 samples tested with 50 positives, awaiting results for an additional 24,790 samples.	Banned 07/23/02: Up to \$1,100 in fines, confiscation of gear and loss of hunting privileges for up to 3 years if caught baiting. Ban on feeding has been extended to 04/01/03. Proposed permanent rule to ban baiting.	Banned 07/23/02: Up to \$252 fine if caught feeding. Ban on feeding has been extended to 04/01/03. Proposed permanent rule to ban baiting.	NA
Wyoming Game & Fish Commission Contact: Dale Garner, Dale.Garner@dnr.state.wy.us, Gregg Arthur, gregg.arthur@dnr.state.wy.us, (307) 777-4501	Cervid ranching not allowed; one elk ranch given exemption.	No imports of cervids unless they come from monitored herds free of CWD for at least 5 years.	Several regulations are being considered.	Captive cervids are not allowed; single exemption allowed; single exempted ranch not in CWD endemic area and has opted not to import any cervid.	Continual statewide targeted animal survey; annual hunter surveys in endemic areas testing 2,000 animals per year.	07/01/01: Wyoming Statute 23-3-304: Ban on baiting big game (includes cervid species) for the purpose of hunting. Punishable by up to \$150 fine and 6 months imprisonment.	No ban at this time.	No ban at this time.
Canadian Provinces								
Alberta Agriculture, Food and Rural Development	Moratorium on the importation of domestic deer and elk since 1998.	Moratorium on the importation of domestic deer and elk since 1998.	Voluntary surveillance on captive cervids has been conducted since October of 1995, have tested over 2300 captive cervids. Effective 08/07/02: Mandatory surveillance on all death losses of captive cervids over 1 year of age.	Surveillance on wild cervids has been conducted since fall of 1996, have tested over 1800 wild cervids. In 2001, sampled 199 along the Alberta/Saskatchewan border surveillance along Alberta's eastern border.	No baiting of cervids allowed.	Baiting for hunting purposes is banned. 08/25/02: Legal to hunt within 0.8 km of cervid bait.	Feeding for hunting purposes is banned.	Ben on the importation of hunter harvested cervids from any province, territory or country without first removing head, hide, hooves, mammary glands, entrails, internal organs and spinal column. Antlers and connecting bone plates allowed if disinfected and all other hide and tissue are removed. Capes allowed but must be immediately chemically processed into a banned product. 08/25/02: Ban on the possession of any product that contains urine, feces, saliva or scent glands of a cervid.
Manitoba Manitoba Department of Agriculture and Food, Contact: krebizant@gov.mb.ca	Prohibit importation of cervids for game farming (elk ranching allowed with permit).	08/25/02: Ban on the possession of any product that contains urine, feces, saliva or scent glands of a cervid.	Mandatory CWD testing program on all ranches cervid deaths.	Over 500 deer and 200 elk have been tested, plan to test at least 350 deer over 12 months of age from certain areas in the province.				

Standard Regulations are: 1) Certification of veterinary inspection (health certificate), 2) Import Permit, 3) Negative brucellosis test (within 30-60 days of import), 4) Negative tuberculous test (within 30-60 days of import)

CWD – Emergency Rule Summary

Issue

The DNR requests that we extend the Emergency Rule (WM-32-02(E) & WM-15-03(E)) regarding Chronic Wasting Disease (CWD) until September 1, 2003. JCRAR held a hearing on the first extension of the rule on November 7, 2002. They requested to have the extension go until September 1, 2003 at that time; but the committee only extended it to April 1, 2003. We now are acting on the 2nd consideration.

Background

The May 2002 Special Session was called by Governor McCallum to take up measures to address CWD. JCRAR held a hearing on the first extension of the rule on November 7, 2002. They requested to have the extension go until September 1, 2003 at that time; but the committee only extended it to April 1, 2003. We now are acting on the 2nd consideration.

Clearinghouse Rule

The DNR Board is expected to adopt the permanent version of these rules on April 23, 2003 with the legislative review process to begin shortly thereafter.

Emergency Rule - Key Points

1. Establishes the Eradication Zone, the Intensive Harvest Zone, and the Management Zone.
 - Eradication Zone: Any area within 9 miles of the center of the positive CWD cases and within 4 miles of any CWD positive deer.
 - Intensive Harvest Zone: Area where positive CWD cases have been identified. Intensive hunting regulations in place.
 - Management Zone: Adjacent area which extends out to @ 40 miles from the center of the Intensive Harvest Zone. Slightly less aggressive hunting regulations apply.
2. Establishes special hunting seasons within the Eradication, Intensive Harvest, and Management Zone.
 - Intensive Harvest Zone – Gun Deer Hunt from Oct. 24-Jan. 27. Archery Hunt will begin Sept. 14 and end Jan. 31.
 - Management Zone – Gun Hunts Oct. 24-27; Nov. 23-Dec. 15 and Dec. 21-Jan. 3. Archery Hunt will run Sept. 14-Jan. 3.

3. Population Goals for deer within Zones: Eradication Zone: zero, where infected deer are known to occur. Management Zone: 10 deer per square mile.

Baiting Prohibition

Bans deer baiting statewide – some have speculated that baiting encourages the congregation of deer to a certain spot where the spread of CWD may occur.

This rule exempts landowners and their agents from the statewide baiting prohibition if they are authorized to do so under a nuisance wildlife permit.

Exemptions are granted for the baiting of bear – if the bait is placed in a manner that it is not available to deer.

Foods produced from normal agricultural practices are not considered bait under the rule.

Feeding Prohibition

Same as baiting above – would be prohibited. Would not prohibit the practice of feed if the people feeding are present at the site of the feeding and remove the feed when they leave.

Notes –

We have received approximately 30 letters and calls regarding this rule and what JCRAR will do with it. Ultimately, the fate of the policy will rest with the standing committees (Senate and Assembly Environment/Natural Resources). But we can affect the rule until then. Out of all the contacts – approx. 4 of them said to continue the baiting/feeding ban. The rest all highly suggest that we lift the ban or at least create a north/south boundary across the state where baiting and feeding could resume in the north (as the CWD has been concentrated in one area near Mt. Horeb, the Eradication Zone).

Many in the north argue that the bans affect their tourism and without feeding, the deer populations would be reduced greatly due to the winter and no food.

QUESTIONS

1. Ask opinion of DNR about conclusions that mineral/copper deposits in the Mt. Horeb area may have contributed to the prevalence of CWD in the current Eradication Zone.

2. What about the possible genetic links between the prevalence of the disease (dominant genes found in elk)? The possibility that gnats or other insects spread the disease?
3. In Colorado, the testing of saliva and feces swabs is used. Why couldn't the DNR do the same with deer up in the North? The DNR claims that there is no test other than one that can be performed on a dead deer.

OPTIONS

- Do nothing – extend rule as is.
- Cut out provisions that ban baiting and feeding
- Lift baiting and feeding ban with agreement that issue would be revisited upon spread of CWD up north, or conclusive evidence revealing that CWD is spread through nose-to-nose contact.
- Allow baiting and feeding with the exception of the CWD Management Zone – even create a buffer radius around the zone, which would ban baiting and feeding.
- Set a north-south boundary where baiting can continue in the north, and will still be prohibited in the south.
- Can we consider a moratorium on the ban of baiting and feeding of deer?
- Set a maximum amount of bait/feed within a specified area – for example, 3 gallons of feed per 40 acres.
- Establish a baiting permit system; where properties register and pay a fee for a permit for the right to bait on property. That way enforcement is easier and if the disease is detected, it could conceivably traced to a specific area where baiting is permitted.

RESULT OF ACTIONS

Approve Emergency rule as is – stays in effect until September 1, 2003, or whenever permanent rule is promulgated.

Modify any part of rule – ask DNR to correct rule in manner that JCRAR requests. If they fail, we could suspend portions of the rule

Suspension of Rule portions – Portions of rule not suspended will continue as policy – portions suspended will be drafted as legislation.

NOTE:

As of 3 pm, Wednesday – Glenn Grothman would like the Committee to lift the ban on baiting and feeding with the exception of the management zone. Baiting would have some limitations as to the amount allowed in a certain area.

Rep. Scott Gunderson would like to be the lead on the motion and on the committee's actions.

provide more certainty and provide guaranteed issue to the appropriate persons in Wisconsin, it is necessary that the changes be put into effect as soon as possible. In addition, since insurers are required to be in compliance with the Federal law, implementing this rule effective on the same date will allow insurers to modify their policies one time rather than two.

The Commissioner is sending contemporaneously with this Emergency Rule, the permanent rule, Clearinghouse No. 02-118, to the Legislature for review. A hearing on the permanent rule, pursuant to published notice thereof, was held on November 7, 2002. The Office has received comment and revised the rule as necessary to incorporate comments from the public and as contained within the Clearinghouse Report.

Publication Date: December 16, 2002
Effective Date: December 16, 2002
Expiration Date: May 14, 2003

Natural Resources (5) **(Fish, Game, etc., Chs. NR 1-)**

1. Rules adopted revising **chs. NR 10 and 45**, relating to the control and management of chronic wasting disease.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses.

Publication Date: July 3, 2002
Effective Date: July 3, 2002
Expiration Date: November 30, 2002
Hearing Date: August 12, 2002
Extension Through: April 1, 2003

2. Rules adopted repealing and recreating **s. NR 20.20 (49) (d) and (61) (c)**, relating to the closure of carp fishing on Cedar Lake and connected waters in Polk and St. Croix counties.

Finding of emergency

The Department of Natural Resources finds that an emergency exists and that rules are necessary for the immediate preservation of the public peace, health, safety or welfare. A statement of facts constituting the emergency is:

Spring viremia of carp virus is of international animal health concern. The virus affects fishes in the minnow family in nature. Minnows are extremely important forage fish for many important sport fishes in Wisconsin and are also important to the bait and aquaculture industries. Assuring the health of minnow populations and preventing the spread to other waters is important in preserving the welfare of Wisconsin citizens by protecting popular and economically valuable sport and bait fisheries. Little is currently known about the extent of the virus and until we can increase our knowledge, this closure will limit the potential spread from transport of fish and/or their parts and fluids.

Publication Date: October 3, 2002
Effective Date: October 3, 2002
Expiration Date: March 2, 2003
Hearing Date: November 11, 2002
Extension Through: April 30, 2003

3. Rules adopted amending **s. NR 25.06 (1) (a) 1. to 3.**, relating to commercial fishing in Lake Superior.

Finding of emergency

The waters of Lake Superior were not part of the extensive off-reservation treaty rights litigation known as the Voigt case. The parties stipulated that the Lake Superior rights would be dealt with, to the extent possible, by agreement rather than litigation. This rule represents the implementation of the most recent negotiated amendments to the agreement between the State and the Red Cliff and Bad River Bands. These amendments incorporate the results of a new population estimate that was not available previously. In order to comply with the terms of the agreement, the State must change its quotas and commercial fishing regulations at the earliest possible date. Failure of the State to do so will not only deprive state fishers of increased harvest opportunities available under the agreement, but could also jeopardize the agreement, putting the entire Lake Superior fishery at risk of litigation.

Publication Date: November 1, 2002
Effective Date: November 1, 2002
Expiration Date: March 31, 2003
Hearing Date: December 13, 2002

4. Rules adopted revising **chs. NR 16 and 19** and creating **ch. NR 14**, relating to captive wildlife.

Finding of emergency

2001 Wis. Act 56 was not enacted until April of 2002. It required standards for captive animals held under licenses issued under ch. 169, Stats., to be in place by January 1, 2003, the effective date of the change from licensing under ch. 29, Stats., to ch. 169, Stats. As the use of the permanent rule process would not allow these standards to be in place by January 1, 2003, the Department had no choice but to use the emergency rule procedures. Failure to have standards in place would result in the lack of humane care standards for wild animals held in captivity and the lack of pen standards necessary to prevent the interactions between captive and wild animals.

Publication Date: December 20, 2002
Effective Date: January 1, 2003
Expiration Date: May 31, 2003
Hearing Date: January 16, 2003

5. Rules adopted revising **ss. NR 10.07 (2), 12.06 and 19.60**, relating to the control and management of chronic wasting disease.

Finding of emergency

The emergency rule procedure, pursuant to s. 227.24, Stats., is necessary and justified in establishing rules to protect the public health, safety and welfare. The state legislature has delegated to the department rule-making authority in 2001 Wisconsin Act 108 to control the spread of Chronic Wasting Disease (CWD) in Wisconsin. CWD poses a risk to the health of the state's deer herd and citizens and is a threat to the economic infrastructure of the department, the state, its citizens and businesses. This rule is needed to reduce the deer herd in the CWD eradication zone further than accomplished through the hunting seasons to help prevent the spread of CWD.

**DNR Testimony to JCRAR
CWD Emergency Rule Extension
Presented by Secretary Scott Hassett
March 27, 2003**

Good morning! I appreciate this opportunity to work with your committee and I thank you for taking the time to consider this important matter.

A lot has happened since you dealt with this rule in November. Wisconsin has made great progress in the battle to manage CWD. The hunting seasons in the CWD zones set up under this rule went very well, and most importantly, were safe hunts. My staff is busy reviewing the impact of the 2002 seasons and making plans for this fall.

We've completed the largest collection of CWD sampling ever attempted anywhere in the world. Nearly 40,000 samples have been collected. We have over 90% of the test results for the 28,000 samples collected outside of the CWD eradication zone. The good news for CWD control and eradication is that at this point in time CWD hasn't been found in other parts of our state.

The challenge we all face now is to focus our energies on reducing and eliminating CWD from the southwest Wisconsin landscape and keeping it from getting established elsewhere in Wisconsin. We will need your help to do this.

Act 108, the important CWD legislation you all helped to enact, authorized extension of the CWD emergency rules before you today to September 1, 2003. In November you extended the rules through the end of this month and we are here today to request your approval to continue the emergency rules through August of this year as contemplated in Act 108.

An extension will prevent a lapse in CWD regulations between April 1st and when new rules can be put in place. Replacement CWD rules are currently out for public comment and will come before the Natural Resources Board in April. Legislative review of those rules would then follow in May.

There are many aspects to the rule, but I will focus my comments on just the baiting and feeding ban. The statewide ban on the baiting and feeding of deer is the most discussed part of the rule and likely is the reason most folks are attending today's hearing.

DNR has stayed out of the "bait debate" over the last decade. We chose to let each hunter pick his or her best method for them to use in the field. However, the accumulating science on wildlife diseases during this same time period was suggesting we should take some action.

On February 28th, 2002 the need for action became clear. For the first time in Wisconsin's history, we discovered a very serious disease in our wild deer herd. CWD has changed the landscape of deer management in this state. The past year has made it clear to everyone that battling a serious disease in a wild deer herd can be very difficult and much different than working with livestock. The take home message we should be reminded of is that "an ounce of prevention is worth a pound of cure".

The baiting and feeding ban is a common sense prevention strategy to minimize risk. The scientific foundation of this strategy is strong and widely accepted in the professional animal health community. We need to embrace their recommendation and put it into practice for the long-term health of our deer herd.

We included several documents in the briefing materials that thoroughly outline the scientific foundation for the ban. I'd like to highlight some key observations.

- CWD is a contagious disease that can be transmitted from one deer to another.
- Deer can get CWD by eating something contaminated with CWD prions
- CWD prions are likely in the feces and saliva of CWD-positive deer.
- Deer can get CWD from contaminated environments.
- Baiting and Feeding concentrate foraging deer and increases the opportunity for disease transmission.

For all of the above reasons, my department, and our colleagues in the Department of Agriculture, the UW-Vet School, and the Wisconsin Veterinary Medical Association feel compelled to recommend that the ban stay in place. As I said previously, the science behind the ban is sound and we should not dismiss it.

There is no shield over Wisconsin protecting us from the entry of serious diseases. Our CWD test results so far are promising. We all hope that this disease will remain limited to a small area in southwest Wisconsin. However, I must remind everyone that 1 year of statewide surveillance tests doesn't guarantee the rest of the state will be CWD free forever. The same process that brought CWD to the Mt. Horeb area could be happening right now in another location in Wisconsin that we might not discover for years.

There are many ways a disease could be introduced. Wild deer interacting with captive deer is one example that many folks talk about. The health monitoring regulations for Wisconsin's captive deer and elk farms are just now being established. The industry is working hard to implement these protocols, but it will likely be 3-5 years before a solid health record for those herds is developed. A reality we have to acknowledge is that escapes from captive facilities have and likely will continue to occur.

The State of Michigan should serve as a clear example to us that diseases can move back and forth between deer and livestock. In the farming world, agriculture does not view 1-time testing as an adequate disease management strategy. Regular

surveillance coupled with disease control procedures are what they rely on. Wisconsin's farmers invest a lot of money each year monitoring the health of their animals.

An equivalent health-monitoring program for all wildlife is impossible. The statewide surveillance effort you saw this fall is unprecedented in this country and took an extraordinary effort by staff in my department and many partners. It also took a significant reallocation of funding from other important wildlife management responsibilities. The point I'm making is that early detection of serious diseases in wildlife populations is extremely difficult, and the costs to battle established diseases can be very high.

We understand that the ban is more than just the application of science. The ban is also very much about people and how they interact with deer. My personal interest in deer is very strong. I love the outdoors and as an avid deer hunter, I know how enjoyable it is to see and observe deer up close. It is so enjoyable that we want to repeat that experience as often as possible and search for ways to make that happen. Baiting and feeding is a choice many use to bring nature nearer to us. We develop deep emotional bonds with the animals that come to visit.

Before the baiting and feeding ban went into affect, we were hearing a lot from folks asking for a baiting and feeding ban. Now that the ban is in affect, we are hearing a lot from those who want the baiting and feeding ban lifted. That was evident by the 17 rule hearings we held last week on the follow-up CWD rule proposal. The largest attendance was at the hearings in northern Wisconsin, by people who wanted the baiting and feeding ban lifted.

A survey done this last winter by the Department of gun deer license holders, generally showed strong support for the deer baiting and feeding ban by hunters in the southern two thirds of the state, (south of highway 29) and a more even split in opinion by hunters north of highway 29. 64% of hunters south of highway 29 supported the ban on deer baiting, while 30% did not. 52% of hunters in the north supported the ban on deer baiting, 42% did not. 56% of hunters in the south supported the ban on recreational feeding, 35% did not, and 48% of the hunters in northern Wisconsin supported the ban on recreational feeding, 47% did not. The margin of error for this survey was plus or minus 3%.

The Wisconsin Conservation Congress Executive Council, last May asked for a 3 year moratorium on baiting and feeding of deer. The Wisconsin Bowhunters Association has also asked for a 3 year moratorium on baiting and feeding of deer.

We also understand there is a very real economic aspect to this discussion. We will hear compelling accounts today from good folks whose families and businesses are intertwined with baiting and feeding. The ban has been a real hardship for them and we acknowledge the difficulty they have experienced.

Unfortunately, some tough choices confront us now that need to be made to reduce the threat of wildlife diseases. After a lot of thought, the tough conclusion is that the personal enjoyment we get from baiting and feeding deer is outweighed by our larger obligation to the long term health of the herds.

I know a lot of other folks want to speak. Thank you for considering our request for an extension. If you have questions, we'll do our best to respond.

**2003 CWD Rules and Environmental Impact Statement Public Hearings Preliminary Results as of
March 26, 2003.**

(Note: All hearing slips have not been tallied and this summary does not include written comments)

Hearing Location	Appearance Slips
Dodgeville	30
Eau Claire	85
Fitchburg	27
Fond du Lac	45
Onalaska	23
Park Falls	128
Richland Center	21
Union Grove	14
Waukesha	63
Wausaukee	41
Wisconsin Rapids	116

Baiting and Feeding Restrictions	Count	%
Information	53	9.5
Oppose	279	49.9
Support	227	40.6

Earn-a-Buck	Count	%
Information	88	16.7
Oppose	249	47.3
Support	189	35.9

EIS	Count	%
Information	195	40.0
Oppose	115	23.6
Support	177	36.3

Extended Seasons	Count	%
Information	103	19.9
Oppose	168	32.4
Support	248	47.9

Depopulation	Count	%
Information	115	22.3
Oppose	149	28.9
Support	251	48.7

Landowner Permits	Count	%
Information	127	25.7
Oppose	107	21.6
Support	261	52.7

Remaining Hearings to be Entered:

Location	Attendance (Preliminary)
Beloit -	15
Ashland -	114
Shell Lake -	117
Green Bay -	81
Rhineland -	195
Mosinee -	105

State of Wisconsin Department of Natural Resources
Public Hearing Appearance Slip

THIS FORM IS TO BE COMPLETED AND SUBMITTED BEFORE THE START OF THE HEARING.

Personally identifiable information on this form is not intended to be used for any other purpose.

PLEASE PRINT

Date (Month / Day / Year): March 18, 2003		Do you wish to make an oral statement? (Check One) Yes <input type="checkbox"/> No <input type="checkbox"/>	
Name (First, Last): Dodgeville		Telephone Number (including area code): ()	
Street or Route (Mailing Address):			
City, State, Zip Code:			

1. Representing (If you are the authorized representative of some other person or organization, identify who you are representing and your title.)

2. Regarding rule proposals only. Small business representation: Are you representing the interests of a small business as defined by s. 227.114, Wis. Stats., as "a business entity, including its affiliates, which is independently owned and operated and not dominant in its field, and which employs fewer than 25 full-time employees or which has gross annual sales of less than \$2,500,000?"

Yes ☐ No ☐

3. Positions on Rule Components (check all that apply):

<input type="checkbox"/> Proposed Baiting and Feeding Restrictions	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> CWD Hunting Season Regulations (Earn-a-Buck)	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> Environmental Impact Statement	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> Extended CWD Hunting Seasons	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> CWD Deer Depopulation	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> CWD Landowner Permits	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only
<input type="checkbox"/> Other _____	<input type="checkbox"/> In Support	<input type="checkbox"/> In Opposition	<input type="checkbox"/> Information Only

4. Comments

MIX-RITE FEED MILL Inc
W10380 MAIN ST
KENNAN, WI 54537
715-474-3313
715-474-2305 Fax

Mix-Rite Feed Mill Inc.
W10380 Main Street
Kennan, Wi 54537

March 27, 2003

To: Joint Committee for Review of Administrative Rules.

The major issue since February of 2002 in Wisconsin has been CWD. Along with this comes deer baiting and also recreational feeding of wildlife.

My concern at this time would be the unnecessary passing of some laws that would ban the feeding and baiting of wildlife, statewide. No one can point the finger to feeding deer as the cause, or even the spread of CWD.

No one, including myself, wants to see chronic wasting disease spread in our deer herd, or even worse, spread to cattle. But you also have to be careful not to jeopardize businesses by creating laws that will **not** fix the problem.

Our company is a dairy feed manufacturing business, and we also make and package wildlife feeds. Our business has been hurt dramatically by the ruling that went into affect in July of 2002. Along with loss of sales we have laid off employees because of the lack of business created by the ban. Enclosed I am sending a copy of a letter that I presented at the hearing of the Legislative Joint Committee on Review of Administrative Rules that was held in November of 2002. At the time of the meeting in November, I had gathered information from other businesses in the area to see how this issue has affected them. The letter also refers to studies that have been conducted by veterinarians from the University of Wyoming, Colorado Division of Wildlife, and Wyoming Fish and Game Dept. on the issue of CWD and the affect on livestock. The reference for the source of my information was taken from a publication called "Understanding Chronic Wasting Disease in Wisconsin, the first step to Disease Control". I would appreciate if you would take the time to read the letter.

The DNR has made laws and recommendations for the baiting of deer. Before the band that went into affect in July of 2002, the legal amount that

could be placed was 10 gals of feed in one area. I agreed with this law 100% and it can and should have been enforced. I am against the dumping of large piles of grain or vegetable products in one area, it is unnecessary and illegal. At our facility we have bagged our deer corn in 66 2/3 lb bags, which is equivalent to 10 gals of feed, the legal amount to use for baiting before the band went into affect. We had recommended to our customers that purchased deer feed products to broadcast the feed instead of dumping product in one large pile.

In closing I have included total sales of deer products for the year 2001 compared to the year 2002. Sales of deer products are taxable sales and are revenues that are generated for the state. We consider ourselves as one of the many feed mills that provide deer products for consumers throughout the state and the numbers below can be multiplied by great magnitudes.

2001 Deer Product Sales

Deer Corn 2,714,789 lbs or 48,473 bu.

Deer Feed 203,300 lbs

Total dollar sales \$159,139.26

2002 Deer Product Sales

Deer Corn 1,060,519 lbs or 18,937 bu.

Deer Feed 106,150 lbs

Total dollar sales 2002 \$71,489.85

Difference in lost sales \$87,649.41 or 56.76%

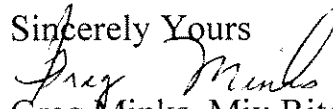
The numbers in lost sales also reflect the amount of lost grain purchases from farmers in the State of Wisconsin. I know the 50,000 plus bushels of grain purchased from farmers for deer feed does not sound like a lot, but multiply that number by the feed mills and feed stores that supplied deer feed products in the state and it is a significant amount of grain that farmers have to look for other sources to sell their grain to.

In closing I have included a copy of the latest CWD statewide surveillance report. What is interesting is that of the 80 deer that have tested positive for CWD, 74 were found in the Intensive Harvest / Eradication Zone, 6 were found in a Management Zone in the same region as the Intensive Harvest /

Eradication Zone. Baiting and Feeding practices are not of a common nature in areas of the state where CWD has been found because over 90% of the land in those counties are productive agriculture acres producing crops such as Corn, Soybeans, Alfalfa and other crops. Compare that to counties such as Price, Ashland, Vilas, Forest, Iron and Oneida Counties which comprise of an average of only 6% agriculture farmland and 93% forest & wetlands and where baiting and feeding practices were extensively used, there have been no deer that have tested positive for CWD. Does Baiting and Feeding cause CWD, the proof is in the numbers.

Your reasonable approach to the matter, would be greatly appreciated.

Sincerely Yours

A handwritten signature in cursive script that reads "Greg Minks". The signature is written in dark ink and is positioned above the printed name.

Greg Minks, Mix Rite Feeds.